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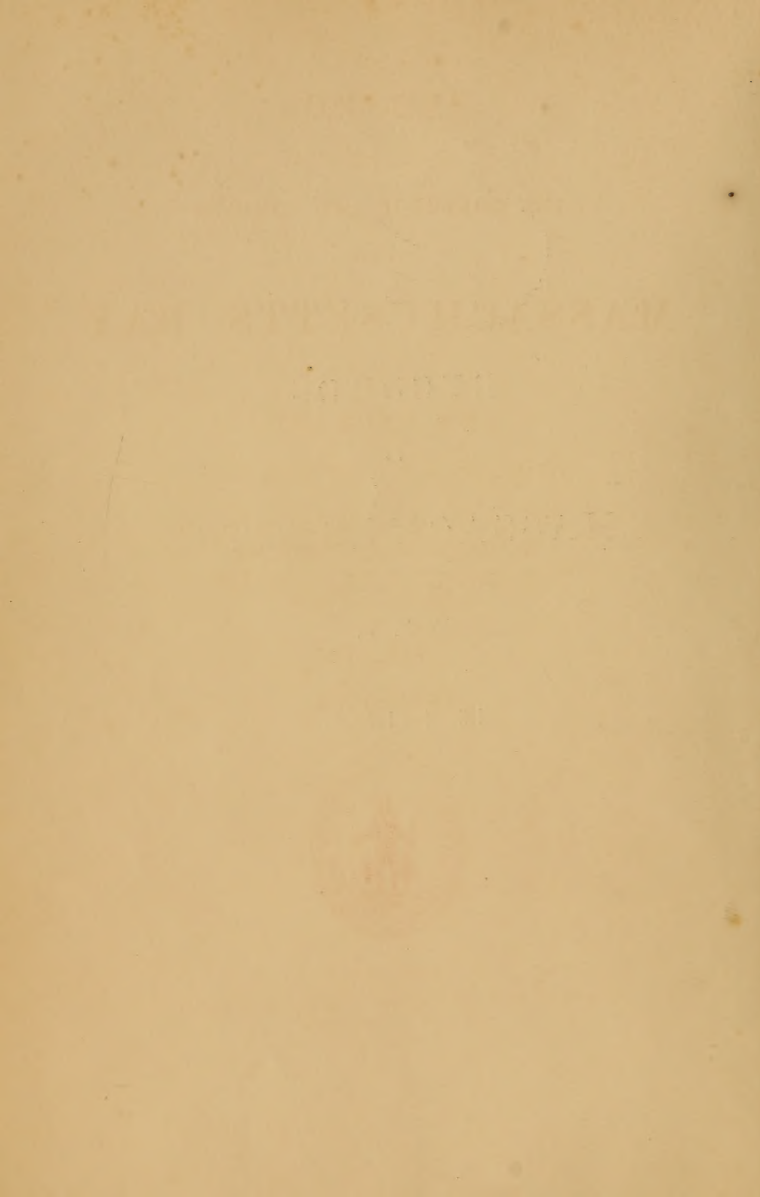
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CARD

RECORDS
OF
MASSACHUSETTS.

VOL. V.

1674—1686.



RECORDS
OF
THE GOVERNOR AND COMPANY
OF THE
MASSACHUSETTS BAY
IN
NEW ENGLAND.

PRINTED BY ORDER OF THE LEGISLATURE.

EDITED BY

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VOL. V.

1674—1686.



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1854.

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ALL INFORMATION
CONTAINED
HEREIN IS UNCLASSIFIED

REMARKS.

THE fifth volume of the manuscript records commences with the proceedings of the General Court of Election which convened at Boston on the twenty-seventh of May, 1674, and includes all the records of the Massachusetts Colony, for a period of about thirteen years, from that time to the close of the May session in 1686, when the government of Massachusetts devolved upon Joseph Dudley, Esq., as President. The original manuscript is in an excellent state of preservation, and is mainly in the chirography of Mr. Edward Rawson, Secretary of the Colony. Many parts of the volume are written in such a manner that they are read with very great difficulty by those who are not familiar with the peculiar style of the Secretary.

As is stated in the remarks printed in connection with the third volume, the records appear to have been made up some time after the daily meetings of the sessions of the General Court were held, from minutes on separate papers, and are not arranged strictly chronologically in the order that occurrences took place from day to day during the sessions. The marginal dates supplied by the editor must not therefore, in all cases, be relied upon as exactly correct, but merely as approximations to truth.

The lists of freemen will be found arranged in chronological order at the end of the volume, together with certain other miscellaneous matter recorded in the original at the close of the manuscript. The General Index, prepared chiefly by Mr. Charles E. Stevens, will be found to be very full, and undoubtedly correct. An Index of the freemen has been added, as in the preceding printed volumes.

N. B. S.

DECEMBER, 1854.

MARKS AND CONTRACTIONS.

A Dash - (or straight line) over a letter indicates the omission of the letter following the one marked.

A Curved Line ~ indicates the omission of one or more letters next to the one marked.

A Superior Letter indicates the omission of contiguous letters, either preceding or following it.

A Caret ^ indicates an omission in the original record.

A Cross x indicates a lost or unintelligible word.

All doubtful words supplied by the editor are included between brackets, [].

Some redundancies in the original record are printed in *Italics*.

Some interlineations, that occur in the original record, are put between parallels, || ||.

Several characters have special significations, namely:—

@, — annum, anno.

ā, — an, am, — curiā, curiam.

ā, — māturate, magistrate.

ḡ, — ber, — numḡ, number; Robt, Robert.

č, — ci, ti, — acčon, action.

čó, — tio, — jurisdicčon, jurisdiction.

č, — cre, cer, — ačs, acres.

đ, — đđ, delivered.

č, — Trčr, Treasurer.

č, — committč, committee.

ḡ, — ḡñal, general.

ḡ, — chr, charter.

ī, — begīg, beginīg, beginning.

ł, — łre, letter.

m̄, — mm, mn, — com̄ittee, committee.

m̄, — recom̄dačon, recommendation.

m̄, — mer, — form̄ly, formerly.

m̄, — month.

n̄, — nn, — Peñ, Penn; año, anno.

n̄, — Dñi, Domini.

n̄, — ner, — man̄n, manner.

ō, — on, — mentiō, mention.

ō, — mō, month.

p̄, — par, por, — p̄t, part; p̄tion, portion.

p, — per, — pson, person.

p, — pro, — pporčon, proportion.

p̄, — pre, — p̄sent, present.

q, — qstion, question.

čq̄, — esčq̄, esquire.

ř, — Apř, April.

š, — š, session; šd, said.

š, — ser, — švants, servants.

ť, — ter, — neuť, neuter.

ť, — capť, captain.

u, — uer, — seual, seueral.

u, — abou, aboue, above.

v̄, — ver, — seval, several.

wn̄, — wn̄, when.

y^e, the; y^m, them; yⁿ, then; y^r, their;
y^s, this; y^t, that.

z, — us, — vilibz, vilibus.

℥, — es, et, — statut℥, statutes.

℥č, &č, &c^a, — et cetera.

viz^o, — videlicet, namely.

/ — full point.

CONTENTS OF VOLUME V.

THE COLONY RECORDS, 1674—1686,	1
MISCELLANEOUS RECORDS,	519
GRANT TO WILLIAM BLATHWAYT, ESQ.,	521
DEPUTATION OF WILLIAM BLATHWAYT, ESQ., TO ED- WARD RANDOLPH, ESQ.,	526
CERTIFICATE OF THE APPOINTMENT OF WILLIAM DYRE, ESQ., SURVEYOR GENERAL OF CUSTOMS,	530
POWER OF ATTORNEY FROM JOHN AWASSAMUG TO THOMAS AWASSAMUG,	531
DEED FROM JOHN AWASSAMOAG AND OTHERS TO THOMAS AWASSAMOAG,	531
DEED FROM THOMAS AWASSOMOAG TO EDWARD RAWSON,	533
FREEMEN OF THE COLONY, 1674—1686,	536
GENERAL INDEX,	545
INDEX OF FREEMEN,	611

THE COLONY RECORDS.

1674—1686

MASSACHUSETTS RECORDS.

THE RECORDS OF THE COLONY OF THE MASSACHUSETTS BAY IN NEW ENGLAND.

[Volume five of the Massachusetts Colony Records, the original of which is, with the exception of a few pages, in the handwriting of Secretary Rawson, commences here. The manuscript includes the proceedings of the General Court for about thirteen years, commencing with the records of the Court of Election which convened on the twenty-seventh of May, 1674, and closing with the termination of the May session in 1686. As in preceding volumes, the names of those who were admitted, during this time, to the freedom of the colony, are placed in chronological order at the end of the printed volume, as are also certain miscellaneous entries, which were written on the last pages of the original.]

**Att a Generall Court for Election*, held at Boston, in New Eng- 1674.
land, 27th May, 1674.*

27 May.

JOHAN LEUERET, Esq^r, was chosen Gouēno^r for the yeare ensuing, &
tooke his oath.

[*1.]

Samuel Symonds, Esq^r, was chosen Deputy Gouēno^r, & tooke his oath.

Symon Bradstreet, Esq^r, was chosen Assistant & 1st Co^mmission in reserue.

Daniel Gookin,

Daniel Dennison,

Symon Willard,

Richard Russell,

Thomas Danforth,

W^m Hawthorne,

John Pynchon,

Edw^d Tyng,

W^m Staughton, and

Thomas Clarke,

& Majo^r Generall & 2^d Co^mmissioⁿ in reserve.

& Treasurer.

& 1st Co^mmission^r for the Vnited Colonyes.

Esq^s, were chosen Assistants, & tooke their
seuerall oathes.

2 Co^mmission^r for the Vnited Colonyes.

Edward Rawson was chosen Secretary for y^e yeare ensuing, & tooke his
oath.

1674.

27 May.

The names of the seuerall deputjes sent & returnd from the seuerall
tounes to serve at this Generall Court are as followeth : —

Salem : Cap^t Georg Corwin, M^r Henry Bartholmew.
 Charls T. : Cap^t Jn^o Allen, M^r Joseph Lynde.
 Dorchester : Cap^t Hopstil Foster, Left Jn^o Capen.
 Boston : M^r Anth^o Stoddard, Left Th^o Clarke.
 Roxbury : M^r W^m Parkes, M^r Joseph Dudley.
 Water Toun : Cap^t Hugh Mason, Left Rich Beeres.
 Camb^r : Cap^t Th^o Prentice, M^r Edw^o Oakes.
 Lynn : Ensigne Jn^o Fuller.
 Ips^s : Cap^t Jn^o Apleton, M^r Jn^o Whiple.
 Newb^s : Left Archelaus Woodman.
 Waym^o : M^r Th^o Dyer.
 Hingh : Cap^t Joshua Hubbard.
 Conc^o : M^r Peter Bulkley.
 Dedh : Cap^t Daniel Fisher.
 Hamp^t : M^r Samuel Dalton.
 Springf. : Cap^t Elizur Holyoke.
 Rouley : M^r Maximilljan Jewett, M^r Henry Allen.
 Braintry : Cap^t Richard Bracket.
 Douer : Cap^t Richard Walderne, M^r Anthony Nutter.
 Sudbury : Cap^t Edmond Goodenow.
 Hauerill : M^r Henry Palmer.
 Wooborne : M^r Humphry Davy, Left W^m Johnson.
 Portsmouth : Cap^t Richard Cutt.
 Malden : Cap^t Jn^o Wayte.
 Kettery : Cap^t Charls Frost.
 Yorke : M^r Edw^o Rishworth.
 Meadfeild : Left Henry Addams.
 Northampton : Left W^m Clarke.
 Hadley : M^r Peeter Tylton.
 Scarborow : M^r Peter Bracket.
 Westfeild : Left Jn^o Hull.
 Beverly : Cap^t Th^o Lauthrop.

Cap^t Rich Waldern was chosen Speaker for this session.

[*2.]

County Court
to renew exe-
cutions in case,
&c.

*Whereas, in the levying of executions, there haue ffallen out many diffi-
cultjes, whereby the judgments obteyned haue bin made frustrate, ffor the

prevention whereof, the Court doeth order and declare, where any execution shall be levyed on any houses, lands, and goods, and deliuered to the partjes for whom the judgment was granted, and the said execution returned according to law, if it shall appeare the person whose lands, goods, or houses were levyed by execution, haue affirmed, or deliuered, or tendered, the said goods, lands, or houses as his oune, which in reality were not his oune propper estate, and in the same condition of estate as he did tender them either to the officer or partjes for whom the execution is levyed, such person so endeavoring by such action to delude the law and defraude the creddito^r shall be liable to pay double damages to the party greived, and pay such fine as the County Court shall see cause to impose.

1674.

27 May.

And if any party that hath obteyned an execution shall adventure to levy the same vpon lands, houses, or goods, commonly accounted the houses, lands, or goods of the person against whom the judgment was granted, and the execution be returned according to lawe, if it afterwards appeare the said houses, or lands, or goods were not the houses, lands, or goods of the said partjes against whom the judgment was given, the party that was so mistaken making the same to appeare to the Court that granted the judgment, the said Court shall order a new execution for the satisfying of the judgment, notwithstanding the former execution returned. *

Whereas it is of great moment in the administration of justice that all matters of reccords should be faithfully entred and kept, and as occasion is given forth, —

Clerks of
Courts & re-
corders to be
sworne.

It is ordered and enacted by the authority of this Court, that from henceforth the seuerall clarkes or reccorders of the publicke Courts of justice and the recorders of the seuerall countjes in this jurisdiction shall be sworne by the Courts to which they belong vnto the faithfull discharge of their office in all respects, and that the forme of the oath be as followeth: Whereas yow, A B, are appointed clerke of the County Court of C:, yow doe sweare by the ever-living God, that yow will faithfully & vprightly demeane yo^rself in the said office; you shall truly & fairely enter and reccord all acts and judgements of the said Court, and whateuer yow shall receive order and direction from the said Court to doe; yow shall safely and faithfully keepe and preserve the said reccords, and deliuer executions, decrees, or orders to persons concerned, as in duty yow ought, and true copies of such reccords give forth when regularly called so to doe; and in all things yow shall be faithfull and true to the Court. So help yow God.

Their oath.

*The law having provided for holding of County Courts where magistrates are wanting, by such persons of worth (stiled associates) as the freemen

[*3.]

1674.

27 May.

Associates of
County Courts,
how to be cho-
sen & when to
be sworn, &c.

of such countjes should nominate, being allowed and appointed by the Generall Court, and there hauing bin too greate a neglect of certifying the Generall Court the names of the persons so nominated for their confirmation, and appointing such persons the associates for that county, —

This Court doeth heereby remitt former neglects herein, and do declare, that, notwithstanding such omissions, all former acts of County Courts shall be accounted good and valid; and for time to come, do further declare and order, that in all countjes where associates are to be appointed, the freemen shall make their nomination of such associates at the same tyme yearely when they give in their nominations for magistrates, which votes for nomination of associates shall be carried also by the same comissioners of the seuerall townes, sealed vp, to their sheere meeting, there to be opened; and those fower persons that shall haue the most votes shall be certified vnder the hands of three of the said comissioners, the shire comissioner being one, to the Court of Election yearely for the confirmation and approbation of the said associates, which being obtayned, the secretary shall certify the clarke of the County Court thereof, who shall give notice to such associates to appeare at their next County Court, there to take their respective oathes.

Penalty of ent-
ertayn or
lodging in-
mates by any
single woman
in absene of
hir husband,
wthout leaue,
&c.

This Court, accounting it their duty by all due meanes to prevent appearance of sinn & wickedness in any kind, doe order, that henceforth it shall not be lawfull for any singlewoman or wife in the absene of hir husband to enterteine or lodge any inmate or sojourner with the dislike of the selectmen of the toun, or magistrate, or comissioners who may haue cognizance thereof, on penalty of fve pounds p weeke, on conviction thereof before any Court or magistrate, or be corporally punished, not exceeding ten stripes; and all constables are to take cognizance hereof for information of such cases.

M^r Thatcher
& M^r Mather
added to the
licensers of y^e
presse.

Whereas there is now granted that there may be a printing press elsewhere then at Cambridge, for the better regulation of the press, it is ordered and enacted, that the Reuerend M^r Thomas Thatcher & M^r Increase Mather, of Boston, be added vnto the former licensers, and they are hereby impowred to act accordingly.

Courts act on
County Court
for Hampshire
returmes as to
Goodman &
Dickinsons pe-
tition, &c.

The County Court for Hampshire hauing made their returne to this Court, relating to what was referred to them as to what is conteyned in Richard Goodman & Jⁿ Dickenson's petition, presented to y^e Court May, 1673, & is both on file, the Court judgeth it meete to impower the execcutor of the late Nathaniell Wards will to make of such land so given & exchainged, by signing & sealing a firme deed of sale thereof vnto the persons aboue named, w^{ch} said deed, so made, shallbe accounted good in law, any law to the contrary notwithstanding.

*In ans^r to the motion & request of the deputjes for the county of Norfolke, it is ordered, that W^m Staughton, Esq^r, shall be and hereby is appointed to keepe the County Courts in that sheire wth the associates there for the yeare ensuing.

Itt is ordered, that Major Robert Pike, Cap^t Nathaniel Saltonstall, and M^r Samuel Dalton, certified to this Court and nominated by the freemen of the county of Norfolke, shall be and hereby are appointed and authorized to be associates for the county of Norfolke for the yeare ensuing, and each of the sajd gentⁿ are hereby invested with magistratticall authority in the sajd county for this yeare.

Major Thomas Clarke is appointed to keepe the County Courts at Portsmouth or Douer, as also in Yorkshire, for the yeare ensuing, wth the associates there respectively.

In pursuance of an order of the Generall Court in October, 1673, itt is ordered, that Major Thomas Clarke, M^r Humphrey Davy, M^r Richard Collicot, & Left Thomas Gardner are & shall be appointed & fully hereby impowred to repaire to Pemaquid, Cape Nawaggen, Kennebeck, &c, or some one of them to the eastward, and there or in some one of those places to keepe a Court as a County Court, to give oathes to the constables there appointed, as also appoint and impower such meet persons, inhabitants there, to such offices and places (as farr as they be wthin the l^jne of our patent) according to God and the wholesome lawes of this jurisdiction, that so the wayes of godlines may be encouraged & vice corrected.

It is hereby declared, those appointed to keepe Court at Kennebeck, &c, in their comission shall be impowred to appoint Comissioners Courts for the ending of smale causes, which comissioners shall haue magistratticall power to punish criminall offences, as also in marrying; and the County Court are hereby impowred to setle the militia in those places, and in all cases where there are not freemen, they may make use of other fitt men, provided they haue taken the oath of fidelity, any thing in the law to the contrary notwithstanding.

Vpon the motion of the deputy of Kittery, this Court doeth order & appoint Cap^t Richard Walderne to haue magistratticall power in the county of Yorkshire for the yeare ensuing.

In ans^r to a motion from the deputys of Douer, &c, this Court doth nominate & appoint Cap^t Richard Walderne, M^r John Cutts, Cap^t Richard Cutts, & M^r Elias Stileman to be & hereby are invested wth magistratticall power there for the yeare ensuing.

*In answer to the petition of the ffeoffees of the ffree schoole of Rox-

1674.

27 May.

[* 4.]

M^r Staughton
to keepe y^e
Courts in Nor-
folke.
Associates for
Norfolke.

Major Clarke
to keepe Coun-
ty Courts
Portsmouth,
Wells, &c.
Major Clarke,
M^r Dany, M^r
Colecott, &c,
comission. to
keepe County
Court at Ken-
nebeck, &c.

Addition to
M^r Clarks
comission.

Cap^t Waldern
comission.
Cap^t Walder,
M^r Cutts, M^r
Stilman comis-
sion.

[* 5.]

Courts ans^r to
the ffeoffees of
y^e ffree schoole
at Roxbury pe-
tition.

1674.

27 May.

bury, settled heretofore by Court order in the toune street, the Generall Court hauing heard & seene the pleas & euidences in the case, doe, vpon mature deliberation, judge that the declared intent of M^r Thomas Bell, both in his life & at his death, in his will, was the setlement of his estate in Roxbury vpon that free schoole then in being at his death in the said toune.

Edmund Goodenow cap^t.

Lef^t Edmund Goodenow is hereby appointed captaine to the ffoote company at Sudbury.

Comitte to heare & determine Mendons difference, &c.

The Court, being sencible of the great distractions of the toune of Mendon, judge it most in order to a comfortable composure thereof to order, that Edward Tyng, Esq^r, M^r W^m Parks, Cap^t Daniel Fisher, & M^r Joseph Dudley shall be & hereby are appointed a comitte, and so fully impowred to repaire to Mendon, & to call all partjes before them, and on a full hearinge, examination of their differences, to compose & settle the same; they, or the major part of them, whereof M^r Tyng to be one, who is to appoint y^e time of meeting, making their returne to this Court.

Sam. Loomis ensir of Westfeild.

Samuell Loomis, of Westfeild, is appointed to be ensigne to the foot company there.

Ans^r to M^r Wharton petition.

M^r Richard Wharton hauing presented a petition to this Court, relating to the late Go^ono^r Bellinghams will, the Court appointed a hearing of the case on 29th instant, the partjes concerned appearing; the petition & will was read. M^r John Oxenbridge, M^r James Allin, & M^r Anthony Stoddard, & M^r Humphry Dauy, the trustees executo^rs, objected against the legallity of the letter of attorney. The Court, on consideration of what hath bin alleadged pro et con, by their voat declared that the letter of attorney produced was not legally proved, & so no procedure.

W^m Haisy left, Jonathan Poole cornet, to y^e 3 County Troope.

Cornet W^m Haisy is appointed to be leftennant, & Jonathan Poole to be cornet to the Three County Troope, vnder the conduct of Edward Hutchinson, their captaine.

Ans^r to Georg & Susanna Martyns petition.

In ans^r to the petition of George & Susanna Martyn and Mary Jones, the Court judgeth it meet to grant the petitioners a hearing of the whole case the next session of this Court, the said petitioners giving notice to all partjes concerned to attend the issue.

[*6.]

Ans^r to Portsmouth selectmens petition, a hearing granted in case, &c.

*In ans^r to the petition of the selectmen of the toune of Portsmouth, in behalfe of the toune, the Court reffers the consideration thereof to the next session of this Court, in order to a cleere & right vnderstanding of it; for the attorning thereof, it is ordered, that the secretary give notice to all partjes concerned, i. e., Dover, Portsmouth, Exeter, Hampton, & M^r Andrew Wiggins, to give their attendance at the Generall Court at their next session, in October, to give the Court such information as whereby they may give a full

& cleere determination therevpon, except they can agree it amongst themselves, and signify the same vnder their hands to the Court.

1674.

It is ordered, that the Reuerend M^r Samuel Torrey & M^r Joshua Moody be thanked from this Court for the great & very acceptable paynes which they tooke in their late election sermons, and that they be desired to print their said sermons wth as much speed as may be; that William Staughton & Thomas Clerke, Esq^s, wth Cap^t Hugh Mason, M^r W^m Parkes, & M^r Bulkeley, are appointed in the name of this Court to give them thanks accordingly.

27 May.
Courts thanks
to M^r Torrey
& M^r Moody
for their elec-
tion sermons,
& orde to
print them.

In ans^r to the petition of Edward Keeby, the Court judgeth it meet to refferr the answer of this petition to the next County Court of Suffolke, who are hereby impowred to remitt or abate his fine, as they shall see cause.

Ans^r to Edw.
Keebys peti-
cion.

In ans^r to the petition of Katherine Hilton, in behalfe of her brother, Nicholas Shapleigh, as also in ans^r to one from him, the Court judget it meet to order, that on the said Nicholas Shapleighs payment of two hundred pounds in money to the Tresurer of the country, the rest of the fine shall be respitted during this Courts pleasure, and the said Nicholas Shapleigh discharged the prison.

Ans^r to Kath-
erine Hilton &
Nicho. Shap-
leighs peticon.

In ans^r to the humble petition of Cap^t Edward Hutchinson, humbly desiring the favour of this Court to grant him a parcell of land for a farme, the Court judgeth it meet to grant the petitioner three hundred acres of land in any free place not yet disposed of.

Courts grant to
Cap^t Edw.
Hutchinson,
300 acres.

*In ans^r to the peticon of the inhabitants of Hull, humbly crauing this Court to grant them some releife as to their charges expended on y^e erecting of a beacon on Point Allirton, &c, the Court judgeth it meet to & doe hereby grant the said toune of Hull their next single country rate.

[*7.]

Courts grant
to Hull y^r
single country
rate.

In ans^r to the request of the deputy of Rouley, for the settlement of military affaires, &c, the Court judgeth it meet to refferr the hearing of the case to the next sessions of this Court, when all partjes concerned may then appeare.

Rowly case to
be heard next
sessions.

To the honord Generall Court now sitting in Boston.

The returne of the comitte appointed for Marlborough humbly sheweth, that, according to our best skill, we haue attended the service of that place, & the promotion of the settlement thereof. In pursuance of the ffatherly care of this Court for their welfare, seuerall journeys we haue made to them, and much tyme we haue spent in hearing and discussing matters of difference and difficultjes amongst them, the result of all which is now mostly conteyned in that new toune booke, which we haue caused to be finished, wherein not only their fundamentall orders & grants are recorded, but also the particullar

Comitte for
Marlborou,
their returne.

1674.

27 May.

stating & bounding of all those lands that are already layd out to y^e severall inhabitants there. This new towne booke, as it now stands vnder the hand of M^r John Greene, we haue by our order publickly approoved, enstamping vpon it what authority is wth us to convey, humbly representing to this honor'd Court that their acceptance & confirmation thereof will be, in our apprehensions, a competent way, and (as matters are now circumstanced) the likeliest way for the attainment of the peace of that plan, and a foundation of future good to them, which we leave to yo^r wisdoms, considerations, & determination, and remajne

Your humble servants,

SYMON WILLARD,
W^m STAUGHTON,
HUGH MASON.

Courts accept-
anc y^{ro}f & or-
der therevpon.

The Court thankfully accepts of the labour & paynes of this comitte, and doe, in answer to this returne, allow & confirme the towne booke by them finished, & stated as aboue, w^{ch} towne booke shall from henceforth be the authentick record of the towne of Marlborough as to the severall particulars therein conteyned & concluded, each inhabitant & person concerned being required to take notice thereof, and yield obedience accordingly.

[*8.]

Courts ans^r to
Rich. & Isaac
Woodys peti-
cion.

A hearing
granted in
case, &c.

*In ans^r to the petition of Richard Woody & Isaac Woody, of Boston, the Court judgeth it meet to grant the petitioners a hearing of their case on the second day of the next session of this Court, at two of the clocke in the afternoone, they giving in sufficient caution to satisfy the charge of the Court for the hearing y^ero^f, and giving seasonable notice thereof to all partjes concerned accordingly, to attend their concernes at the tyme.

Ans^r to Rebec-
kah Hawkins
petition.

In ans^r to the petition of Rebeckah Hawkins, the Court declares, that the assignment annex to her peticion is good in law to the party expressed assigned vnto.

Courts finall
ans^r to Nicho.
Shapleighs pe-
ticion.

In ans^r to the peticion of Nicholas Shapleigh, it is ordered, that vpon the payment of fuetty pounds in money at p^sent, and sufficient personall security given to the Tresurer for the payment of one hundred & fuetty pounds more, to be payd fuetty pounds in money at the end of euery six months, vntill it be payd, that the petitioner be dischardged.

Ans^r to se-
lectm. peticon
of Marblehead.
Non freemen
in case to act
as freemen.

In ans^r to the petition of the select men of Marblehead, it is ordered that such persons as from time to tyme shallbe approoved of by y^e select men & County Court at Salem shallbe by the said Court impowred to act in all affaires as if freemen in towne affaires, vntil this Court shall take further order.

In ans^r to the petition of Jonas Clarke, Señ, of Cambridge, humbly desiring this Courts favo^r to grant him some land, on the considerations therein exprest, the Court judgeth it meet to grant the petitioner three hundred acres of land in some place that is free from former grants.

1674.

27 May.

Courts grant of
300 acres to Jo-
nas Clarke, &c.

This honor'd Court, having in May, 1673, granted a tract of land for a plantation to some of Hadley, reserving two hundred & fuety acres of land for a farme for the country, we, the subscribers, being the co^mittee for that plantation, doe offer to this honoured Court the consideration of the smale tract of land there, which is of any worth for improovement, being in all but nine hundred and thirty acres of plowing land, swampe land for meadow, & vpland *for their home lotts. The whole hauing bin measured, wee finde but so much, the rest being barren pineland as far as yet wee can learne or vnderstand; so that if two hundred & fuety acres be taken out of it for the countrys farme, it must vnavoydably spoyle the place for a plantation, & to lay out the farme on the barren pyneland will be to deceive the country. Wherefore we lay the case before this honoured Court, hoping they will see cause to allow the whole land to the plantation, & release the countrys farme, or allow it to be lajd out on the out bounds of the plantation, or in some other place w^{ch} may be better for the country.

Co^mittees re-
turne abt y^e
plantation
aboue Hadley.
3 June.

[*9.]

Subscribed,

JOHN PYNCHON,
WILLIAM CLARKE.

June 3, 1674.

In ans^r to the motion here presented, it is ordered, that the co^mittee aboue named lay out fuety acres of the better sort of the nine hundred & thirty acres, aboue exprest, in a convenient place for the countrys farme, adding two hundred acres more thereto out of the remote lands, as they shall see best for the country, who are also impowred to lease out the same for yeares to the inhabitants, at such rates as they can, so as the country may haue some acknowl- edgment annually for the sajd farme.

Countrys
farme in y^e
new plantation
aboue Hadley,
&c.

In ans^r to the petition of Thomas Patten, attorney to Jn^o Patten, of seuerells in England, & heir to Nathaniel Patten, of New England, deceased, the Court judgeth it meet to grant the petitioner a hearing of his case at the next session.

Ans^r to Tho.
Pattons peti-
co., a hearing
y^e case gr^{ie}d.

In ans^r to the petition of Henry Lauton, the Court declares the peti^cõner hauing had sundry acc^õns refferring to this case, wherein he hath been sometimes p^lt & sometimes deffend^t in seuerall Courts, & justice don him according to law and euidence prescribed, that it is in his oune liberty to implead any person or persons that haue perverted justice by false testimony in any Court of justice, as the law hath fully provided.

Courts ans^r to
Henry Law-
tons pet.

1674.

3 June.
Left Smiths
comission to
take oaths.

[*10.]

Courts deter-
mination of y^e
differene be-
tweene Cap^t
Gookin, &c,
& Ephraim
Curtis.

There being great necessity of taking some testimonjes in Hingham vpon account of action depending in Plymouth Court, and Cap^t Hubbard, impowred in that case, cannot be spared from the Court, it is ordered that Lef^t John Smith shall & is hereby impoured to adminiſter oath to such wittnesses as are necessary for prevention of damage therein.

*In ans^r to the petition of Cap^t Daniel Gookin, Cap^t Prentice, Lieut Richard Beeres, & M^r Henchman, presented to this Court, and, as a full issue of the case betweene the petitioners & Ephraim Curtis, after the Court had heard what each party could say, together wth the evidences by them produced, the Court judged it meete to order, that the said Ephraim Curtis shall haue fifty acres of the land that is already layd out to him where he hath built, to be lajd out & ordered by y^e co^mittee for said plantation, as other lotts there are, so it be in one place, wth all manner of accomodation apperteyning thereto, as other inhabitants haue, and that he shall haue liberty to take vp the two hundred & fiuety acres of land wthout the bounds of the said toune, prouided it be neere adjoyning therevnto, and to be in leiw of the land formerly granted to M^r John Norton.

Ans^r to Hope
Allens petition.

In ans^r to the petition of Hope Allin, the Court judgeth the seizure of the leather mentioned in the petition to be legall, & see no cause to release the same.

Ans^r to Jn^o
Walley & Ja-
cob Jessons
petition.

In ans^r to the petition of John Walley & Jacob Jesson, attorneys to Francis Bill, the Court sees no cause to take of the seizure of the leather in their petition mentioned.

Ans^r to M^r Jn^o
Elliotts peti-
tion relating to
Natick In-
dians, &c.

In ans^r to the petition of M^r Jn^o Elliot, in behalf of the Indians at Naticke, &c, so far as it concernes the Indians hauing plantations granted them, the Court declares that when the Indians themselues shall make application to this Court, vnder their hands, for plantations, the Court will then consider thereof, to giue such answer for encouragement of the Indians as they shall then judge meet & suiteable.

Arthur Masons
horse to be p^d
for, 3^s.

In ans^r to the request of Arthur Mason, humbly craving some recompence for his horse he lost going on the countrys service, by land or otherwise, it is ordered, that the said horse be paid for out of the tresury of the country, provided the price exceed not fiue pounds.

Edw. Cowells
horse to be p^d
for, 50^s.

In ans^r to the motion of Edward Cowel, humbly crauing some satisfaction for his horse, spoyled in y^e countrys service, &c, it is ordered, that the Treasurer pay vnto the peti^coner fiuety shillings, in recompenc for his horse.

Comittees re-
turne as to
Foxwell &
Cumins case,
&c.

Wee, whose names are here subscribed, in ans^r to an act of the late Gen^l Court, October 15th, 1673, by whom wee were appointed to heare, examine,

& make report what, vpon heareing, wee could finde in a case depending betweene Richard Foxwell, Richard Cumins, & others, in obedience wherevnto, attending the order of the Court, & going vpon the place & sunioning all persons before us concerned in the premisses, & hauing had a full hearing & examination thereof doe give in our report as followeth:—

1674.

3 June.

1. Wee finde a patent apperteyning vnto Richard Foxwell & Richard Cumins.

2. From thence wee finde they doe challenge a patent right fower miles by the seaside, & eight miles back into the country, whereof they make clajme of one quarter part by a deed of gift or sale made vnto them by Cap^t *Richard Bonighton, whose daughters they marrjed, in consideration of their portions of one hundred markes a peece, which by him, the father, was received of theirs when they were in England.

[*11.]

3. That Cap^t Richard Bonighton did setle vpon the north side of Sacca-dehocke, Saco River, & Thomas Lewis, who had possession given them by M^r Edward Hilton, who, by order, was comissionated there vnto.

4. Wee doe not finde any orderly bounding or laying out of the sajd patent.

5. Wee finde that Cap^t Bonighton, one of the proprieto^rs of this patent, made certain grants on the south side of Black Point Riuer, vpon that necke of land whereon M^r Foxwell liueth, called by the name of Blew Point, & that the sajd Foxell had a verball grant ffrom M^r Thomas Gorges of ffive hundred acres of land lying vpon the north side of that neck, which is generally ouned by the people, whither it fall wthin or wthout the patent.

6. That Cap^t Richard Bonighton hath granted seuerall lotts vnto diuerse persons w^{ch} hath & doth belong vnto Blew Point, as ouned by Richard Foxell.

7. Wee find that the selectmen of Scarborough haue granted seuerall lotts on the sajd neck of land, & so bounded them that seemes to take away much of M^r Foxwells lands & meadows.

8. That the Generall Court, by some acts, haue confirmed patent rights, possession rights, toune rights, & Indian rights, & acts of former Generall Courts. These things premised seemes, according to our best apprehensions, to be the ground of those differences arising amongst those partjes in the cases concerned, for the issuing whereof wee doubt not but this honoured Court, in their wisdoms, will, vpon mature consideration, find some meet expedient to remedy; being the requests of

Your humble servants,

RICHARD WALDERNE,
JN^o WINCOLL,
EDW: RISHWORTH.

1674.

3 June.
Courts confir-
mation of the
committees re-
turne & further
order.

The Court allowes & approves of this returne, and declares, that the eldest grants of land in the county of Yorkshire, whither by patent or grants from the Generall Courts, shall take place before any others, according to the concessions made to them by the Generall Court in their reception into this government; and it is further ordered, that the former committee be impowred to settle & bound the lands of Richard Foxwell & Richard Cumins, and to heare, issue, & determine, by three or more of them, any differences that shall or may arise betweene them & all parties therein concerned, vpon Blew Point, on the westermost side of Black Point Riuer, in the toune of Scarborough.

Suffield.

The honoured Generall Court, in October, 1670, having granted a tract of land, to the content of sixe miles square, on the west side of the Riuer Conecticot, betweene Springfield & Windsor, to seuerall persons for a plantation, and hauing likewise appointed a committee to mannage the affaires thereof, the said committee, heereto subscribing, did lay out the bounds of the said plantation on the 21th of March, 1671, & would haue made returne thereof to the honoured Generall Court then next ffollowing, had not they delayed in refference to the settling the lñe betweene this colony & Connecticut colony, which possibly might haue occasioned some alteration; but that colony not manifesting their acceptance of the concession of *this Court, the said committee haue thought it meet, seuerall families being there already settled, not to delay any longer, but now to make returne to this honoured Court of their worke in laying out the bounds of the said plantation, which are as followeth:—

[*12.]

Southfeild al-
ljas Suffield
bounds lajd
out & con-
firmd.

The north bounds of this new plantation, joyning to Springfield south bounds, on the west side of Connecticut Riuer, is at a litle gutter about halfe a mile below the brooke comonly called the Three Mile Brooke, below Leiuť Coopers house, viz^t, at two tall midling trees, standing about two foote from each other, the one a walnut, the other an oake, which stands on the knap or brow of the hill on the north side of that gutter, by the Great River side, wthin three or fower rod where the gutter emptjes itselfe into the Great River. The said trees, being marked, are the north bounds of this new plantation, and thence the bounds run vpon the due west lñe about fower miles & a halfe from the Riuer Connecticut, till it meet wth Westfeild bounds; and from the said two trees, the east bound is the said Riuer Connecticut, & is sixe miles southward, vpon the square, from the said west lñe. The south border of this new plantation is a due west lñe, draune from a large white oake, marked, standing on the banck of the Riuer Connecticut, two or three rods from the said Riuer, and about halfe a mile below the island, neere the foote of the falls in the Great Ryuer; and from the said white oake the south

border extends seven mile and a halfe due west, many trees being marked in that range or linc. The said comitte also haue settled one hundred acres of land for the Generall Court and country vs^e, as the Court injoynd, lying on the southside of Stony Brooke, neere where Northampton & Springfield wayes to Windsor meet, there being a tract of good land, and not farr from the place called the Meeting House Hill; and the other fower hundred acres of land for the country is to lye at the southwest corner of this plantation, there being good land in that quarter for that purpose.

The said comitte doth also humbly propose that this honoured Court would please to grant this plantation seven yeares freedome from country rates, as an incouragement for the planters, it being a very woody place, & difficult to winne; also, that the name of the place may be Suffield, (an abreviation of Southfeild,) it being the southermost toun that either at present is or like to be in that country, & neere adjoyning to the south border of our patent in those parts.

May 20th, 1674.

JOHN PYNCHON,

ELIZUR HOLYOKE,

In the name of the comitte.

The Court approoves & confirms this returne of the comitte, that of 4 yeeres exemption from rates only excepted, & instead thereof doe grant to y^e sd plantation fower yeeres exemption from country rates.

*The comitte appointed by the last Genll Court, bringing in & making in their returne to this Court of what they found as relating to M^r Joseph Dudson, M^r Richard Wharton, M^r Nicholas Paige, & M^r John Faireweathers declaration, &c, w^{ch} is on file, w^{ch} y^e Court approoved of, and ordered the said partjes to be called before this Court to give an account of their actings, on 2^d June next, & appointed Cap^t Daniell Fisher & M^r Isaack Addington to implead them. The said attorneys drew up their charge ag^t them in fower articles, w^{ch} was read before the whole Court, the partjes being present, &c. The Court, hauing heard & considered what hath bin alleadged & prooved against M^r Richard Wharton, M^r Nicholas Paige, M^r Joseph Dudson, & M^r John Faireweather, doe judge & order, that the said M^r Richard Wharton shall be solemnly admonisht, and be disabled for pleading any cause but his oune, except that of M^r Samuell Bellingham, if legally impowred therevnto, and that he also pay the sume of thirty pounds in money towards the great expences occasioned thereby to this Court, and that the said Nicholas Paige, Joseph Dudson, & John Faireweather be alike solemnly admonisht, & each of them pay the sume of fve pounds in money towards the Courts charges & expences as aboue.

1674.

3 June.

Country
farme of 500
acres.

[*13.]

Courts act or
sentence of M^r
Wharton, Dud
son, Paig, &
Fairwth.

N. P., J. D.,
J. F., 3. They
all submitted
to y^e sentence
except M^r
Wharton, J. A.

1674. *At the second Sessions of the Generall Court, held at Boston, by
Adjournm^t, 7 (8) 74.

7 October.

[*14.]

P ^r SENT, Jn ^o Leueret, Esq ^r , Gofin ^r ,	
Sam ^l Symonds, Esq ^r , Dep ^t Gofin ^r .	
Symon Bradstreet,	} Esq ^r s.
Daniel Gookin,	
Daniel Dennison,	
Symon Willard,	
Rich Russell,	
Thomas Danforth,	
W ^m Hathorne,	
Jn ^o Pynchon,	
Edward Tyng,	
W ^m Staughton,	
Thomas Clarke,	

The deputjes p^rsent at this session were, —

Cap^t Georg Corwin,
 M^r Henry Bartholmew,
 Cap^t Jn^o Allyn,
 M^r Joseph Lynde,
 M^r Anthony Stoddard,
 Lef^t Th^o Clarke,
 Cap^t Hopestill Foster,
 Lef^t Jn^o Capen,
 M^r W^m Parkes,
 M^r Joseph Dudley,
 Cap^t Hugh Mason,
 Lef^t Rich Beers,
 M^r Edward Oakes,
 Cap^t Th^o Prentice,
 Cap^t Jn^o Apleton,
 Lef^t Archelau^s Woodman,
 Th^o Dyer,
 Cap^t Josh Hubbard,
 M^r Peter Bulkley,
 Cap^t Daniel Fisher,

M^r Maximill^t Juet,
 Cap^t Rich Bracket,
 Cap^t Rich Walderne,
 Cap^t Edmund Goodenow,
 M^r Henry Palmer,
 M^r Humphry Davy,
 Cap^t Rich Cutts,
 Cap^t Jn^o Wayte,
 Lef^t Henry Addams,
 Lef^t W^m Clarke,
 M^r Peter Tilton,
 M^r Peter Bracket.

1674.

7 October.

Cap^t Rich Waldern chosen speaker for y^e session.

ITT is ordered, that the whole Court on the morrow morning goe to the Castle to vejw it, as it is now finisht, & see how the countrys money is layd out therevpon, & that on the countrys chardge: w^{ch} was donn.

It is ordered, that Majo^r W^m Hathorne & Majo^r Thomas Clarke, wth M^r Humphry Davy, Cap^t Joshua Hubbard, & M^r Henry Bartholmew, be a co^mittee to examine the Tresurers accounts, and to make returne thereof to this Court this present session.

For the resolution of a question propounded to the Court, relating to Cambridge village, it is ordered, that the sajd village shall henceforth be a distinct military company of themselues, and so to be excercised according to law.

And it is further ordered, in relation to Medford, that the souldjers there be excercised by a serjant, such as the majo^r of the regiment shall appoint; and for all those that liue out of any toune bounds, it is left to the majo^{rs} of the seuerall regiments to regulate in all such cases at their military Courts.

It is ordered by this Court, that there be a present addition of men to the garrison at the Castle, and to that end, that a supply be made; as to the number, to be not aboue fiae; for effecting whereof it is left to the wisdome & discretion of the co^mittee for the Castl, who are hereby empowred in all respects to act herein so as may be for the safety of the place, & wth as litle expenc to the country as may be, and that such persons so added shall be paid for their service, according to agreement made, out of the treasury of the country.

Whereas the selling of the power of the co^missioners of Boston is con-

1674.

7 October.

fined barely to the toune & neck, wth Nodles Island, it is, vpon seuerall considerations, judged meet, and it is hereby ordered, that their power be extended to the whole limitts of Boston in civil & criminall cases, according as the lawe prouides for their acting formerly in the bounded lymitts aboue said, notwthstanding the said lawe.

It is ordered, that there be one single rate this yeare to answer the occasions of the country, and that the prices for corne be payd in at these prices following, viz. : wheate at fiue shillings, barly & barly ma't, rye and pease, at fower shillings, Indian corne at three shillings p bushell; all good & merchantable corne, and what euer else is payd in the country rate, to be paid at money price, prouided that no leane catle or horses shall be payd in the said rate. And it is further ordered, that if any person shall pay their country rate in in money, they shall be abated one fowerth part of their said rates.

[*15.]

Order for di-
vision of compa-
nys in Boston
or other townes
y^e exceed 200.

*Whereas this Court, in the yeare 1652, for the better setting of the militia in the seuerall townes, did order & enact, that where, in any toune wthin this jurisdiction, the number of souldjers who by lawe are to attend constant traynings shall arise to be two hundred men, that then such souldjers shall be divided into two companyes; if to three hundred, then to be divided into three companyes, &c, — now, forasmuch as it appeares by good information, that most of the companyes in Boston doe exceed the aforesaid number of two hundred, this Court doeth heereby declare, that the former order of deviding ought to be forthwith attended, and that the major of the regiment, together wth the comission officers of each company, take speedy order to see it performed, and to make returne thereof to the next Court of Election. And it is further ordered, that in any toune where like numbers of souldjers are, there be like due attendance to this order.

Souldjers of
Rowley village,
where to trajne.

It is ordered, that the trayned souldjers of the place called Rowley Village shall forthwith list themselves, & performed duty in ordjinary traynings, either at Rouley or Topsfeild, as shall suite best wth their incljnations & occasions, which being don shall so continue vntill such time as the said village is settled with a minister, and haue a sufficient number to trayne among themselves & officers according to lawe appointed to exercise them.

Courts appro-
bation of
comission's
setting y^e east-
ern p'tes.
Named Devon-
shire. County
Court, when to
be kept y^e, 3^d
3^d day July.

This Court taking into consideration what hath binn acted by Major Thomas Clarke, Humphry Davy, Richard Collecot, & Left Thomas Gardiner, in setting the easterne parts at Kennebeck and the places adjacent wthin our lyne vnder goument, according to the comission of this Court given them, dated 27th May, 1674, and that, vpon desire of the inhabitants, they haue called those places the county of Devonshire, this Court doeth approvee and confirme the same; and doe further order & appoint, that the County Court in

some place thereof shall be holden & kept vpon the third Tuesday in July
yearely. 1674.

Vppon the request of Thomas Holbrooke, Captaine W^m Torrey is permitted & impowred to marry the said Holbrooks daughter vnto Vryah Clarke, according to law.

7 October.
Capt Torreys
comission to
marry, &c.

In ans^r to the motion of Capt Edward Hutchinson, that he might lay doune his captains place of the Three County Troope, the Court grants his request, and doe order & appoint M^r Humphry Davy to be capt of the Three County Troope, & that he haue comission accordingly.

Capt Hutchinson
said doune
his cap^s.

M^r Humphry
Davy cap^t of
y^e 3 County
Troope.

*M^r Humphry Davy hauing declared his non acceptance of the office of capt of the Three County Troope, the Court judgeth it meete to respitt any supply for that place till the Court of Election.

[*16.]

Att a Court held at Pemaquid, 22th July, 1674, by Major Thomas Clarke, Humphry Davy, Richard Collecot, Thomas Gardiner, according to commission and order of the Generall Court of the Massachusetts colony, dated in Boston in New England, 27th day of May, 1674.

Eastern comis-
sion's returne.

Boston, in New England.

Copy of comis-
sion.



Jn^o Leueret.

Att a Generall Court, held at Boston, 27th day of May, 1674. In pursuance of an order at the Generall Court in October, 1673, it is ordered, that Major Thomas Clarke, M^r Humphry Davy, M^r Richard Collecot, and Leif^t Thomas Gardiner, or any three of them, whereof Major Thomas Clarke to be one, are fully hereby impowred to repaire to Pemaquid, Capenawaghen, Kennebeck, &c, or some one of them to the eastward, or there or some one of those places, to keepe a Court as a County Court, to give oathes to the constables there appointed, as also to appoint and empower meet persons, inhabitants there, to such offices & places as farr as they be wthin the l^{ne} of our patent, according to God and the wholesome lawes of this jurisdiction, that so the way of godlynes may be encouraged & vice corrected. And it is hereby further declared, that the gentlemen aboue mentioned shall be and hereby are impowred to appoint Comission^rs Courts for the ending of smale causes, which comissioners shall haue magistratticall power in marrying such as are duely and legally published according to law, as also to punish criminall offences; and the County Court is hereby impowred to settle the militia in those places, and in all places where there are not freemen, they may make vse of any fitt men, prouided they haue taken the oath of fidelity, any thing in the law to the contrary notwthstanding.

By the Court.

EDWARD RAWSON, Secre^{ty}.

1674.

7 October.
Comission
publisht.
Comission's
sworne.
Leff Gardiner
Tresur.

The inhabitants of the seuerall places in this county haue bin warned, and a considerable company appearing, the Court caused the comission & order of the Generall Court aboue said to be publickly read.

Humphry Davy, Richard Collecot, & Leiff Thomas Gardiner tooke their oathes according to law.

Leiff Thomas Gardiner was appointed Treasurer as county Treasurer from Kenebeck, eastward, w^{thin} the l^{ine}, which, many of the inhabitants desiring, may be called the county of Devon. The Court consents thereto, till the Generall Court confirme the same, or take further order.

[*17.]

Rich. Olliuier
record^r of
Devon.

Constables
sworne at Ken
ebek, Pema-
quid, &c.

*Richard Oliuer, of Monhegin, nominated & appointed to be recorder & clarke of the Courts of this county, who tooke y^e oath accordingly.

Thomas Humphrys, cunstable of Saggedahock & Kennebek, Rob^t Ga^mon, of Capenawaghen, Willjam Waters, of Damerils Coue, John Dolling, of Monhegin, Thomas Cox, of Pemaquid, tooke their oathes as constables. Grand jury men returnd were, Rob^t Edmunds, Ambrose Hanwell, of Sagedehock, Jn^o Wriford, Eljas Trick, John Pride, of Damerills Coue, George Bickford, Reynald Kelly, of Monhegin, Jn^o Cole, of Pemaquid, tooke their seuerall oathes according to lawe for their places, and both grand jurymen & constables took their oaths of fidellity; so did John Pride take his oath at Salem, as also these persons following, present inhabitants: Cap^t Edmūd Patteshall, M^r Ichabod Wisewall, M^r Richard Olliuier, W^m Buckford, Edward Barton, Rich^d Hill, Henry Curtis, Francis Broune, Rich^d Warren, Henry Stoakes, W^m Denbo, Edw^d Dorr, Jn^o Dare, Geo^r Burnet, Nich^o Osbourne, Th^o Parker, David Olliuier, Emanuell Whichalls, Jn^o Cock, Th^o Phillips, Th^o Hilman, Nicc^o Carary, Jn^o Parker, Nicc^o Deming, Abell Hoggeridge, Edward Cole, Jn^o Wildgoose, Th^o Parnell, Aaron Beard, Gregory Langberry, Abr^a Clarke, Th^o Cox, Juⁿ, Henry Curtis, Juⁿ, Shadrick Cox, Richard Cox, Richard Pearce, Juⁿ, Robert Cauly, Th^o Adger, Richard Bradeway, Richard Bucknell, W^m Edwards, Th^o Cox, W^m Waters, W^m Welcome, Jn^o Bessell, Peter Collins, Richard Glass, Th^o Phillips, Henry Palmer, Jn^o Palmer, Jun^r, Phillip Bey, W^m Phillips, Jn^o Stover, Jn^o Palmer, Seⁿ, Rob^t Edmūds, James Widger, Th^o Harls, Jn^o Gingden, Nic^o Vallack, Jn^o Selman, W^m Trout, Nic^o Heale, Georg Bucknell, W^m Cox, Th^o Cox.

Persons y^t
tooke y^e oath
of fidellity.

Constables or-
dered to pub-
lish the lawes.

The constables of each place in this county were ordered to call the inhabitants together, and to read, or cause to be read, the lawes of this jurisdiction vnto them in convenient t^{imes}.

Administra-
tion to Jn^o
Waller estat
gr^d to Geo
Burnet.

Administration to the estate of Jn^o Waller, a fisherman, sometimes resident at Monhegin & sometimes at Damerills Coue, who djed about fower yeares since, is granted to George Burnet, resident at Monhegin, who is to

dispose of the same according to the clerest testimony of and to whom the estate doeth belong, & to bring in an inventory of the same to the next Comission Court heere, & himself, as principall, & Richard Oliuer as surety, doe bind themselves in fifty pounds a peece that this order shall be attended & performed.

1674.

7 October.

These persons following are nominated & approved as serjants & corporalls to exercise military discipline to the inhabitants in the seuerall places, according to law:—

Thō Humphryes serjant, & James Middleton corporall, for Saggedahock.

Military officers in y^e county of Devon.

For Damerill Coue & Hippocras, Jn^o Bessell serjant, & he to choose his corporall.

For Monhegin, Jn^o Dolling serjant, & he to choose his corporall there.

For Capenawaghen, Robt Gamon serjant, & he to choose his corporall there.

Lef^t Thō Gardiner is appointed & impowred to haue the comānd & regulation of all the military forces, & of the affaires thereof, in the seuerall places of this county, & particularly of Pemaquid.

Lef^t Gardiner cheife military command^r in Devon.

*Lef^t Thomas Gardiner, of Pemaquid, Cap^t Edmund Patteshall, of Kenebeck, John Palmer, Señ, of Monhegin, & Robert Gamon, of Capenawaggen, are appointed & impowred by this Court as comissioners for the yeare ensuing, and they, or the major part of them, to hold & keepe Comissioners Courts in such places, and as often as they shall see cause, wthin this county of Devon, for the ending of smale causes according to lawe; who also haue magistraticall power in marrying such as are duely & legally published according to law, as also to punish criminall offences according to the particular order of the Generall Court. Dated 27th May, 1674, in Boston.

[*18.]

Lef^t Gardiner, &c, appointed comissioners to keepe Court in Devon.

These persons following are chosen to be clerks of the writts in the seüll places, viz^t:—

Clerks of y^e writts.

In Saggedahock & Kennebeck, Thō Humphreys.

In Monhegin, Richard Oliuer.

In Damerills Coue, Willjam Walters.

In Capenawaggen, Robert Gamon.

Thomas Humphreys is nominated & appointed marshall for this county of Devon, who is to take charge for securing such persons to be comitted to prison according to law, and to receive the fees allowed the prison keeper by law or custome.

Tho. Humphrys marshall.

These persons following are appointed & haue liberty to keepe houses of publicke enterteynement, and are to be prouided wth necessarys for lodging, &c, accordingly, and to retajle beare, wine, & liquors in the seuerall places for the yeare ensuing, according to law:—

Inkeepers allowed.

1674.

7 October.

For Monhegin, Jn^o Dolling; for Saggedehock & Kennebeck, Willjam Cock.

For Damerills Coue, John Wryford.

For Capenawaggen, Edw Barton.

For Pemaquid, Jn^o Cole.

Also Left Gardiner to his fishermen, &c, John Earthy, for Corbyn Sound, Georg Bucknill.

Itt is ordered, that warrants be issued out for the levying of twenty pounds vpon the inhabitants of this county for Court charges, law books, constables staues, &c, viz^t: vpon Saggerdehock & Kennebeck fower pounds; vpon Monhegan five pounds ten shillings; vpon Capenawaggen three pounds ten shillings; vpon Damerills Coue & Hyppocras fue pounds; & on Pemaquid forty shillings; and that the comissioners, where any is, wth the grand jury men & constable in each place, shall equally levy the same on the persons & estates of the seuerall inhabitants, to be collected by the constables, & deliuered to Left Thō Gardiner, Treasurer of the county.

HUMPHRY DAVY, p order.

The Courts approbation of y^e acts of the comission^{rs} is recorded on p. 15.

Order to sum-
on the Dr &
students.

This Court, by good information, vnderstanding that, notwithstanding all former endeavo's, the colledge yet remajnes in a languishing & decaying condition, doe therefore order, that, on Wednesday next, at one of the clock, all persons concerned be required to appeare, & accordingly the secretary to issue out his warrant to require the præsident, & former & present fellowes, graduate & student, that were then in the colledg, whither resident or non resident, to make appearance before the Court, and in like manner that the ouerseers be desired to attend the Court to give information in that case, that so a full hearing being obteyned, and the grounds of the present decay discerned, this Court may, if possible, take further effectuell course for y^e revivall of that great worke, and its future flourishing & establishment amongst us.

[*19.]

Presidents
dismission in
case.

*After the Court had a full hearing of both the doctor, y^e præsident, fel lowes, & seuerall students, for the settlement of the colledge, the president, vpon his oune voluntary motion, in consideration of the paucity of schollars, doth freely lay doune fifty pounds of his sallery, & rests satisfied in one hundred pounds money p annū. Vpon the same consideration of fewness of schollars, this Court doeth judge meet to dismisse all the officers of sallery, vntill Court and overseers take further order; that the præsident continue his place vntill next Election Court; in the meane time, the reuerend ouerseers are intreated to vse vtmost endeavo's for remooveall of all obstructions

therein against the said Courts session, when, if the colledge be found in the same languishing condition, the president is concluded to be dismissed without further hearing of the case.

1674.

7 October

To the honorable Generall Court, now assembled at Boston.

Wee, whose names are hercunto subscribed, being appointed by the Court of Assistants to heare and give in our determination about the differences betweene the comōners and non comōners of Marblehead, doe agree as followeth, viz^t: that the order which those that stile themselves comōners made in the yeare 1647 shall stand good, and they to enjoy those comōns as it was then ordered and stands vpon record in theire tounne booke, made on the tenth of Aprill, in the yeare abouesajd, and doe allow those comōners, each p̄tticular house of them, one cow comōn more.

Ans^r to, &c.,
and committee
& Courts settle-
ment of Mar-
blehead.

Secondly. Wee doe further agree, that all those fueteen or sixteene houses which were built in Marblehead before the yeare sixteene hundred & sixty shall be allowed one coues comōn & a halfe, which were brought to us in a particullar lyst; wee say to each house one comōn & a halfe.

Thirdly. Wee doe further agree, that vnto euery remayning dwelling house now in Marblehead at this present day shall haue a cow comōn apeece, and that all those comōns which are appropriated to each house throughout the whole tounne shall not be sould from the house.

Fouerthly. What swamps or lands the comōners haue appropriated to themselves shall be voyd & lye vnto comōn.

Furthermore wee agree, that the charge the Court of Assistants did find for the non comōners those that are called the comōners shall pay, and that the charge of the comīssioners shall be payd by the comōners & non comōners æqually.

W^m HATHORNE,
HEN: BARTHOLMEW,
JOSEPH GRAFTON,
GEORG CORWIN,
TH^o LAIGHTON,
RICHARD PRINCE,
JN^o CORWYN.

The Court approoves of this returne, and order it to be recorded as a fynall settlement thereof.

Mr Thomas Daniel is appointed capt^e of the floote company in Portsmouth, & Samuel Keys is appointed his ensigne.

Tho. Daniel
capt of foot
comp. in Ports-
mouth, &c.

1674.

7 October.

[*20.]

Order for Tr^r
to satisfy M^r
Vsher for 292
musketts.

Ans^r to Xtoph^s
Crows petiçō.

*The Court, hauing agreed wth M^r Vsher to send to England for musketts, w^{ch} accordingly is don, judge meet to order the Treasurer of the country to satisfy M^r Vsher in money according to agreement, w^{ch} his bill giuen in for, for two hundred ninety two muskets, scourers, & moulds, wth advance, comes to two hundred seventy six pounds eleven shillings & three pence.

In ans^r to the petiçōn of Christopher Crow, of Boston, inkeeper, humbly desiring the favour of this Court to remitt his fine imposed on him, &c, the Court judgeth it meet to referr the case to the County Court of Suffolke, who are hereby impowred to remitt or abate the fine aboue mentioned as they shall judge meete.

M^r Bells trus-
tees to pay y^e
rents, &c, to y^e
ffeeffices of
Roxbury
schoole.

As an addition to the Courts declaration or resolute as to Roxbury free schoole, the last sessions, in May, this Court judgeth it meet that the trustees of M^r Bells estate, from tyme to tyme, pay the rents of sajd estate vnto the ffeoffees aforesaid, or theire assignes, for the vse of sajd schoole.

Cap^t Rich.
Walderne
made serj^t ma-
jor of York-
shire.

Cap^t Richard Walderne hauing had the comānd of the militia in Yorkshire, by authority from this Court, for the two last yeares past, & hath this summer draune forth the regiment of foote & troope of horse there, exercised them in military discipljne, this Court doeth heereby appoint him, the sajd Richard Walderne, to be the sarjant majo^r of the forces in Yorkshire, and doe order, that he haue comiission as other majo^rs haue for authorizing him to that service.

Daniel Warner
ensigne of Hat-
feild compa.

Itt is ordered, that Daniel Warner be ensigne to the ffoot company in Hatfeild.

Order to divide
Salem compa-
ny.

The Court, taking notice of the increase of the souldjers in Salem, judge it meet to order that the ffoot company there be by the selectmen of Salem diuided into two companyes, and their distinct limitts by them to be p^rscribed, and that Joseph Gardiner be captaine to the first foote company in Salem.

Jos. Gardiner
cap^t to y^e 1st.

Jn^s Corwin
cap^t to y^e 2^d.

And that John Corwin be captaine of the second foot company in & about Salem.

Ans^r to Elis.
Connigraues
petiçōn.

In ans^r to the petiçōn of Elisabeth Connigraue, humbly desiring the favo^r of this Court to remitt the fine imposed on her, the Court referrs the petiçōner to the County Court, to doe therein as they see cause.

Ans^r to
Swampsefelds
petiçōn.

In ans^r to the petiçōn of the inhabitants of Swampsefeld, the Court judgeth it meet to order Cap^t Elizur Holyoke, Lef^t W^m Clarke, & Lef^t W^m Alice to be a comitte, who are heereby desired to repaire to the places, & to vejw the same, what either doe desire, & make report to the Court what may be meet to be granted; prouided also, that a farme of two hundred & ffty acres of the best be reserved & layd out for the country when the grant shallbe.

*In ans^r to the petition of Ephraim Curtis, the Court sees no cause to grant the petitioners request, having heard & settled it the last Court.

1674.

7 October.

[*21.]

Itt is ordered by this Court and the authority thereof, that the Comission's Court of the county of Devon, at the eastward, have power to end, heare, and determine all civil actions arising within that county to the vallew of ten pounds, any lawe, vsage, or custome to to the contrary notwithstanding.

Ans^r to Ephr. Curtis petition.

Power of Comiss's Court in Devon.

Ans^r to W^m Sheffields petition.

In ans^r to the petition of W^m Sheffield, the Court judgeth it meete to grant the petitioner the forty acres of land in the place mentioned in his petition, as it lieth joyning to Meadfeild l^jne on one side, & part of his oune lande, & partly next the land of M^r Deane Winthrop, all of it not exceeding fiftie acres, as is exprest.

The Court, having perused what hath bin presented by the secretary in transcribing the reccords, buying of bookes, &c, approve thereof, and doe order that it be finished in comparing or otherwise, according to Court order, and that he be allowed for his service therein seuentie pounds, the one halfe in money, the other halfe in country pay, which is in full satisfaction of what is due vpon that account, and that M^r Joseph Dudley is hereby desired & appointed to be helpfull in comparing of what is yet not finished.

Secretaries allowance for transcribing the reccords.

In ans^r to the petition of the inhabitants & proprietiers of the land at or neere Boggestow, the Court grants the petiçoners the quantity of six miles square, not exceeding eight miles in length, to take in as many farmes wth the vacant land adjoining or intermixt therewth as that quantity of land will admitt, provided that none of the farmers shall have any part of the aforesajd vacant lands now granted by this Court, (but the sajd land to be distributed amongst such other persons as will come to inhabit in the sajd toun, as the major p^{te} of the said ffarmers shall thinke meet;) provided that there be a farme of two hundred acres of meet land reserved, and by Cap^t Fisher layd out for a farme for the country, and that no man shall have allotted him aboue fiftie acres till there be twenty new familjes settled there, and then the whole that is free to be disposed of as the major part of the inhabitants capable by law to vote shall judge meete, and the name of the place to be called Sherborne.

Ans^r to inhabitants of Boggestow petiçon.A new plantation granted 6 miles sq^r, vide p^a 443, called Sherborne.

In ans^r to the petition of Richard & Isaac Wooddey, the Court judgeth it necessary, in order to a fynall issue of the case, and that there be no further after hearings, doe finde for the plantiffes sixty pounds damage mony, & costs of this Court three pounds fifteteen shillings & one penny, wth ten pounds mony for the Courts hearing of the case, all to be payd by Joseph Rocke, administrator of the estate of the late M^{rs} Martha Coggan.

Courts judgment in Wooddeys case.

[*22.]

Courts judgment in reference to Pattens estate, &c.

*In ans^r to the petition of Thomas Pattyn, sonn and attorney to John

1674.

7 October.

Pattyn, of the parish of Crookehorne, in the county of Somerset, in England, clayming right as next heire vnto Nathaniell Patten, late of Dorchester, in New England, deceased, who djed intestate, this Court hauing considered the pleas & euidences of y^e sd Patten, & just allegation & euidences of Benjamin Beale, of Dorchester, in New England, sisters son to the deceased, doe not see reason according to our lawe to admitt John Pattyn, of Crookehorne, aforesajd, to be heire vnto the reall estate of Nathaniel Patten, deceased; but for a fynall issue of this case, doe order and determine as followeth: 1. That the relict & widdow of Nathaniel Patten doe quietly & peaceably enjoy to hir and hir heires, executors, and administrators for euer, that part of the estate set out & ordered vnto her by the County Court of Suffolke. Secondly. Touching all the rest of the estate of Nathaniel Patten, deceased, it is ordered that it be divided into two æquall parts, one pte whereof shall be & is hereby given to Benjamin Beale, aforesajd, his heires, executors, administrators, & assignes for euer; and the other part shall be & is hereby given to Thomas Patten, attorney vnto John Patten, for the vse of the sajd John Patten, or any other person concerned, to him or them, & to his or their heires, executors, administrators, & assignes for euer; and Thomas Patten (according to his engagement) is ordered to pay forthwith ten pounds in mony for the Courts chardges in hearing the case.

Q.
Courts resolute
of y^e quest.
as to Beale &
Patten.

Benjamin Beale hauing, since the order of the County Court, disbursed a considerable sum vpon the wharfe & warehouse in Boston, called Halsey Wharfe, whither is Thomas Patten, attorney to John Patten, of Crookehorne, in the kingdome of England, to haue halfe of that estate as it now is, or whither should the sajd Patten allow vnto y^e sd Beale the one halfe of the true & reall dīsbursement, the Court resolves this question on the affirmative, so as the sajd Beale be accountable to the sajd Patten for the one halfe of the profits of sajd estate since the time aboue mentioned.

Courts ans^r to
M^r Rich. Whar-
ton, attorney
to Samuel Bel-
lingham, Esq^r,
his petition.

In ans^r to the petiōn of M^r Richard Wharton, attorney to Samuell Bellingham, Esq^r, the Court judgeth it meet to grant a hearing of the case mentioned in his petitions, and that all partjes concerned be summoned to attend the same next after the colledg busines now on foote is heard. Sumōns issued out accordingly. The sajd Richard Wharton at the time appeared; so also did M^r Jn^o Oxenbridge, M^r James Alljn, M^r Anthony Stoddard, & M^r Humphry Davy, execcuto^{rs} & trustees of & to the late will of Richard Bellingham, late Esq^r & Gouerner of this colony. The Court, hauing considered the matter relating to the will of the last Gōūner, Richard Bellingham, Esq^r, and finding by the testimonys *of considerable persons (vnto whom the Gōūner declared his minde) at the tyme of making his will, that he intended to haue

[*23.]

made a codicill or additions to his will, had not Gods hand disinabled him by weakenes of body; also, the Court being informed that there are some parts of the estate of the late Gouñer not disposed of by will, & some other matters of æquity to be considered in that matter wth respect to M^r Samuëll Bellingham his onely son & child living, & to his relict, vpon consideration of the whole matter, this Court doe refferr it to the County Court of Suffolke to consider the case, & draw vp something for the full settlement of that estate, according to right & æquity, & for the honour of the deceased, and for such a suiteable releife vnto his son and widdow, according as the law of God & this country doeth provide; and what the sajd County Court shall doe in the premisses, they are to present it vnto the next Court of Election for their consideration; moreouer, it is referred to the sajd County Court to vse their best endeavour that the excecuto^rs & trustees of the late Gouñer doe deliuer vnto M^r Samuëll Bellinghams attorney, Richard Wharton, one hundred pounds in mony, to be transmitted vnto M^r Bellingham as soone as may be, for his support & necessary releife.

1674.

7 October.

In relation to
Gou. Belling-
hams will, &c.

In ans^r to the petition of the selectmen of Roxbury, W^m Parks, Thō Weld, Isack Johnson, &c, it is ordered, that the honoured Gouerno^r & Symon Bradstreet, Esq^s, wth Cap^t Foster, Capitaine Prentice, Ensigne Elisha Hutchinson to be a comittee to heare & determine the controuersy mentioned in the sajd petiçōn, & to runn the lñe betweene the two tounes, making returne thereof to this Court wth all convenient speed; the Gou^r to appoint time & place as to running of the lñe, but himself & M^r Bradstreet only to act in Boston.

Comittee to
runne y^r lñe
between Rox-
bury & Ded-
ham.

In ans^r to the petition of Tom, the Indian condemned by the last Court of Assistants to dy for his rape, &c, humbly acknouledging his offenc, pretending ignoranc of the law, &c, the Court judgeth it meet to grant his request as to saving of his life, but order, that he be sold for a slaue for ten yeares, to be sent to the English living in some parts of the West Indjes, remayning in prison till he be sent away.

Tom, Indian,
p^rdon as to life,
but condemn to
slavery for 10
yeares.

*In pursuance of an order of the Generall Court, dated 27th 3 mō, 1674, appoynting us subscribers to take cognizance of certaine matters of differenc in the toun of Mendon, & make returne to this Court, wee repajred to the place 13 5th, 1674, when, being no considerable appearance of the inhabitants, a warrant [^] issued out, comāding their appearance at eight of the clock in y^e next following day, when they generally appeared; & though there seemed great dissatisfaction & differenc betweene seuerall of them refferring to church matters as well as civil, yet after large hearing & discourses betweene them-

[*24.]

Comittees re-
turned as to
ending differ-
ences at Men-
don.

1674.

7 October.

selues & from the comitte, the third day after our appearance, vpon determination of seuerall differences concluded by ourselues & read vnto them, there appeared reall remorse in seuerall of them, & vniuersall thankfullnes for our pajnes and labour; their church differences were concluded by mutuall confessions, appointing of a solemne fast & sacrement, which afterward were mutually & peaceably attended; their civil differences were concluded by regulating manner of voating, and appointing voaters & chojce of officers. Other matters of difference were publicqly, at the same tjme, set in order of peace, & referred some to ourselues, which since are issued to mutuall satisfaction; & by seuerall discourses & letters from them since our returne, wee vnderstand not of the remainders of any old differences or arising of any new disturbance vnless it be some particular disturbance from some strangers of Providence, which were apprehended, and are vnder bond of appearance at the next County Court, which Court, wee doubt not, will take effectuall order wth them to prevent further disturbance among them.

W^M PARKES,
EDWARD TYNG,
JOSEPH DUDLEY,
DANIEL FISHER.

The Court accept of y^e returne, & giue their comitte their thanks for their pajnes.

24 October.

Courts accept-
anc of y^e
comittes re-
turne of y^e
Tresur^r acco^{ts}.

Wee, whose names are vnder written, being appointed audito^rs of the county Treasurers accounts, do find that on ballance there is due to the country from the said Tresurer twenty fower pounds sixteene shillings and nine pence three farthings, the receipts & payments about the Dutch expedition being not here inserted; also one hundred & fuetty pounds to be receaved on Majo^r Shapleigh^s fine.

Dated this 24th October, 1674.

W^M HATHORN,
THO: CLARKE,
HENRY BARTHOLMEW,
HUMPHRY DAVY.

[*25.]

Courts judgm^t
inter Su. Mar-
tin & Mary
Jones ag^t
Nath. Wins-
low.

The Court doe allowe & approve of this returne of their comitte.

*The Court, hauing heard & considered of the case of Susanna Martyn & Mary Jones, plaintiff, by peti^on, against Nathaniel Winslow, defend^t, and on pervsall of what hath binn heard & alleadged by both partjes in the case, doe

find for the defendant costs of this Court, wth five pounds money for hearing the case, w^{ch} last was remitted on the importunat petiçõs of said Susanna Martjue. 1674.

24 October.
Committee to
p^{rv}se the
Courts acts,
&c.

It is ordered, that Major Thomas Clarke & M^r Humphry Davy, wth the secretary, be a comittee to p^{rv}se the acts of this Court, and determine what they judge meet to be printed.

In ans^r to the petiçõn of M^r Anthony Stoddard, together wth M^r Rocks ans^r or petiçõn, the Court judgeth it meet to order & appoint M^r John Richards & M^r Jn^o Joyliffe to joine wth M^r Thomas Danforth, ouerseer to the last will & testament of the late M^r John Coggan, who are hereby fully impowred & authorized to call all partjes concerned therein before them, and on p^{rv}sall of the said will, wth hearing what the said partjes can say for themselues, to issue and fynally determine what they judge to be right in all respects to one or other in relation to the said will, which their determination of any two of them, M^r Danforth being one, shall be a fynall issue thereof.

This Court was dissolved.

Att a Generall Court for Elections, held at Boston, the 12th of May, 1675. 1675.

12 May.

JN^o LEUERET, Esq^r, was chosen Go^vn^r, & tooke his oath in open Court. Samuel Symonds, Esq^r, was chosen Dep^t Go^v, & tooke his oath in open Court. Symon Bradstreet, Esq^r, was chosen an Assistant & 1st comissio^r in reserve.

Daniel Gookin,	} & Major Ge ^v ill, & 2 ^d Comissio ⁿ in reserve. Esq ^r s, were chosen Assistants, and tooke their oaths in Court, &c. & Tresurer, & tooke his oath 13 th May, 75. & 1 st Comissio ⁿ for y ^e Vnited Colonjes. tooke his oath the 13 th day of May. & 2 ^d Comissio ⁿ for the Vnited Colonjes.
Daniel Dennison,	
Symon Willard,	
Richard Russell,	
Thomas Danforth,	
W ^m Hathorne,	
John Pynchon,	
Edward Tyng,	
W ^m Staughton,	
Thomas Clark,	

Edward Rawson was chosen Secretary, and tooke his oath 13 May.

1675.

12 May.

The names of the seuerall gen^{ts} returned from the seuerall townes to serve at this Court are as followeth on the other side.

[For the names of the Deputies, see page 41.]

[*26.]

*In ans^r to the petition of seuerall inhabitants of Boston, as also of other townes in this colony, this Court judgeth it meet to declare and order, that the law for the restraining of booke debts shall be and hereby is lengthened for two yeares more from this tyme, any thing in that law notwthstanding.

Prohibition of
sheeps wooll.

It is ordered by this Court and the authority thereof, that henceforth it shall not be lawfull for any person or persons whatsoever, directly or indirectly, to export any sheeps wooll out of this jurisdiction by sea to any forreigne parts, on pœnalty of forfeiting all such quantijes or parcells of wooll that shall be taken on board any ship or other vessell wth intent to transport the same, the one halfe to the informer, and the other halfe to the publick treasury; and that no master of any ship or vessell shall receive any sheepes wooll aboard his ship or vessell to be so transported, on pœnalty of forfeiting the full value or worth thereof; and the selectmen of euery sea port toune are hereby to choose in each toune one meet person annually to inspect this matter, & execute this order.

Racoone furs
not to be ex-
ported on pen-
alty, &c.

Whereas this Court is informed of the vsefullnes of racoone furs for making a good sort of hatts for the supply of the country, —

It is therefore ordered and enacted by this Court and the authority thereof, that from & after three months after the publication hereof no racoone furs or skinns shall be shipt for exportation out of this jurisdiction, vpon the pœnalty of the forfeiture thereof, the one halfe to the informer, & the other halfe to the country; and to the end, that this law may be duly executed, it is ordered, that such persons as are appointed to execute the law prohibiting the transportation of sheeps wooll shall in like manner execute this order.

Marshall not
to make any
deputy in case.

It is ordered by this Court & the authority thereof, that it shall not henceforth be in the power of any marshall to make, constitute, or appoint any deputy in his place or stead to serve attachments or levy executions where the sajd deputy is personally related or concerned, nor shall it be lawfull for any constable to make a deputy to serve attachments or levy executions in any case, any law, custome, or vsage to the contrary notwthstanding.

[*27.]

Direction to
cl., sec., &
marshall, ab^t
executions,
levying, & re-
cording.

*For the better direction & regulating of all clarkes, secretaries, marshalls, & constables, in refference to the granting & serving of executions, it is hereby ordered and enacted by this Court, that all executions shall be made according to the words of the judgement, wthout addition or subtraction, and that the officer that grants the same keepe vpon record the day, moneth, & yeare when it was granted, and that all marshalls & constables take care to see

them recorded; and in case of houses & lands taken vpon execution, it concerns the person or persons to whom they are deliuered to see it duely recorded, which being don, shall be a legall assurance of such houses & lands to him & his heires foreuer.

1675.

12 May.

Whereas the marshalls oath requires them to make returne of such attachments as they serve to the Courts to w^{ch} they are retournable, which in many cases are very chargeable & troublesome, it is therefore ordered, that henceforth marshalls & constables shall be obleidged only to make their returne vpon the backside of the attachm^t, and the same deliuer to the plantiffe or his orders, sealled vp, when demanded, giving first a copy thereof to the defendant, if he desires it; and that no marshall or constable shall be bound to serve any attachm^t till they haue their fees payd them which the law allowes, any law, vsage, or custome to the contrary notwthstanding; and the aforesajd clause in the marshalls oath relating to the returne of attachm^t to the Court is hereby repealed and declared disobleiging.

Marshalls direction to make returnes of attachm^t, &c.

Whereas the law requiring constables to haue black stauies injoyns them to take their sajd staffe wth them when they are in execution of aney part of their office, w^{ch} in some cases prooves inconvenient, by giving opportunity to delinquents to escape, for prevention whereof, as an explanation of the sajd lawe, it is hereby declared, that it is intended that constables acting from their oune authority, & by virtue of the duty of their place & office, shall then alwayes take wth them their black stauies in the execution of their place & office; but when they shall act by virtue of warrant to them directed from authority, they shall then be at liberty whither to carry their black staffe or not.

Constables direction about their stauies.

Vpon information from the comitte of the Castle that there is due to workemen, &c, and for money disbursd for that service, to the value of three hundred pounds, or there abouts, according to their best guesse, this Court doth order, that the Treasurer of the country doe, as soone as may be, make payment of what is already due, as it shall be directed by the comitte of the Castle vnto the respective creditors; and likewise, that the sajd Tresurer doe disburse, from time to time, as shall be necessary to the finishing & preserving the sajd worke as shall be chardged on him by the comitte, not exceeding three hundred pounds.

Order for finishing the Castle.

*Whereas the time formerly agreed vpon wth the mint masters is now expired, for the future well settling of that matter, this Court doth desire & impower the honoured Gouerner and Magistrates residing in Boston, or any three of them, to be a comitte to treat wth such persons as they shall thinke meet, and to make such an agreement wth them for the coyning of the mony of this

[*28.]

Order settling the mint.

1675. jurisdiction as may be most encouraging to all persons that haue bullion to bring in the same to the mint.

12 May.
Order abt m^{rs}
of smale ves-
sells trayning,
&c.

For explanation of the law, title Military, sectⁱ 9, in exemption of ships, & other vessells aboue twenty tunns, from traynings, it is hereby declared, that it is only intended in that order the exemption of such masters as trade & passe to foreigne parts, and not of those whose imploy of their vessells is in these parts, and neere where they liue vpon these coasts.

Order for nom-
ination of mili-
tary officers,
&c.

Whereas the allowing & appointing of all comission^o military officers in this jurisdiction belongs properly & only to this Court by lawe, both peacefull & sattisfactory, and in asmuch as this Court may not be acquainted wth many vsefull & fitt persons for that service, it is therefore hereby ordered, that henceforth it shall & may be lafull for the comittee of militia in the seuerall townes where there shall be neede to present the names of two or three meet persons in their townes for such service & office to this Court for their approbation or otherwise, as they shall see cause.

Order for keep-
ing County
Courts in
Devons.

In regard of the remotenes of the county of Devon^e, there being no magistrate neere those parts, whereby it is matter of difficulty to haue the County Court there kept by one of our magistrates according to the law, it is therefore hereby ordered, that hereafter it shall & may be lafull for the County Court of Devon^e, from time to tyme, to be kept by such gen^t as shall be by this Court aⁿnually comissionated to that service.

Comissions to
keepe y^e Coun-
ty Court in
Devons. & As-
sociat Courts.

M^r Humphry Davy, Cap^t Tho^s Lake, M^r Rich^d Collecot, Cap^t Thomas Gardiner, & M^r George Mountjoy are appointed & hereby comissionated to keepe the next County Court in Devonshire for this yeare ensuing, as is stated by law, or any three of them, whereof M^r Davy or Cap^t Lake to be one, wth such as shallbe appointed associates for that county for this yeere, as Cap^t Thomas Gardiner, Cap^t Robert Patteshall, John Palmer, Seⁿ, of Monhegin, Robert Gamnon, and Richard Oliuer, who are hereby also appointed & impowred for this yeare ensuing as associates in Devonshire, & to keepe Courts for tenn pounds valuc, *and either of them to take acknowledgments of deeds, marry such as are legally published, punish offenders, the p^onalty of which offences exceed not ten shillings, or by whipping, not exceeding tenn stripes, and in other cases to bind them ouer to the Associate & County Courts.

[*29.]

Comission's for
Portsmouth.

Majo^r Richard Walderne, Cap^t Richard Cutts, M^r Elias Styleman, & euery of them, are appointed comissioners for Portsmouth for y^e yeare ensuing as the last yeare, & Majo^r Waldern also is appointed comissioner in Yorks.

Comissioners
for Norfolke.

M^r Nathaniel Saltonstall, Majo^r Robert Pike, & M^r Samuel Dalton are appointed comissioners for Norfolke as the last yeare, & that comissions be drawne for all.

Symon Broadstreet, Esq̃, is appointed to keepe the County Courts in Norfolk for the yeare ensuing wth the associates there. 1675.

Cap^t Nathaniel Saltonstall, Major Robert Pike, M^r Samuel Dalton, & M^r Thomas Bradbury are allowed of by this Court for to be associates for the county of Norfolk, according as returned, to haue binn nominated by y^e townes in that county.

Symon Willard, Esq̃, is appointed to keepe the County Courts in Douer & Yorks for this yeare ensuing.

Major Richard Walderne, Major Robert Pike, Cap^t Richard Cutt, Cap^t Elias Styleman, and M^r Richard Matyn are allowed & approved of to be associates for the county of Douer & Portsmouth, as they were returned by the townes of y^e county.

Major Bryan Pendleton, M^r Roger Plajsted, M^r Edward Rishworth, M^r George Mountjoy, and Cap^t John Wincoll are allowed & approved of to be the associates for the county of Yorks for this yeare ensuing, as returned by y^e townes.

M^r Henry Clarke, Cap^t Elizur Holljoke, Lef^t W^m Clarke, & Leif^t David Wilton are allowed for to be associates for the county of Hampshire, as they were returned by y^e townes of y^e county, & to keepe Court wth Maj^r J^r Pinchon, Esq̃.

Whereas there was on hundred & fifty pounds p aⁿim in money settled vpon D^r Hoare, late president of the colledge, who hath now made a resignation of that place for some space of time, which notwthstanding, this Court doeth heereby order the continuation of his full sallery vntill this Courts sitting, according to order.

This Court, receiuing information from the honored & reuerend o^ulseers of the colledge, that vpon D^r Hoares resignation of the presidents place, they haue concurred wth the corporation in the election of the Res^uend M^r Vryan Oakes to be præsident of the colledge, & haue accordingly intreated & prævayled wth the sajd M^r Oakes to take the present ouersight & go^ulment of the colledge as president; they doe declare their hearty approbation of the election of M^r Oakes to that place, and doe & doe earnestly desire his acceptanc thereof and continuance therein, that there may be a revivall of that society vnto the glory of God & the publicke weale of these churches so much concerned therein.

*It is ordered that the president of the colledg shall haue allowed him one hundred pounds in money by the yeare, to be payd him by the Tresurer of the country. [*30.] 100^l p^a ann. to y^e president.

This Court into their consideration the smaleness of our honoured Gou^r Gratiuity to y^e Gou^r.

1675.

12 May.

The Tr. to pay
M^r Torrey five
pounds.

Order for y^e
quickning of
the severall
tounes, as well
y^e that haue
subscribed &
are behind as
those y^e haue
not, to bring
in, &c, their
contribution to
furth^r & finish
y^e new build-
ings, &c, at y^e
colledge.

New colledge.

M^r James Al-
lin one of the
licencers of y^e
presse.

[*31.]

Major of Suf-
folk returne as
to y^e diuicon of
compa. in Bos-
ton.

erno's yearely salary, & the dayly encrease of his expences & labour in that place of publicke service, they order & appoint, that the Tresurer shall pay vnto him the summe of one hundred pounds, by way of gratuity, & as a testimony of their respect to him.

In consideration of the Reuerend M^r Torrey his charge in printing his election sermon, the Court judgeth it meet to give him five pounds out of the publick treasury, to reimburse his charge therein.

Vpon information from Deacon John Cooper & M^r W^m Manning, (who are betrusted for the colledge worke or ædifice at Cambridge,) that severall tounes haue returned no subscriptions to this day, as appeares by an accompt vnder the sajd trustees hands, this Court doeth therefore order, that the secretary doe forthwith signify to the tounes respectively the pleasure of this Court, which is, that the selectmen in each of the tounes (who are behind in their payments according to their subscriptions) doe forthwith make such effectuell provision, that the one halfe thereof at least may be speedily brought into the said committee, & the remayning part as soon as may be; as likewise that letters may be sent to the secretary to those tounes that yet haue not subscribed, requiringe the elders or minister in the sajd tounes to stirr vp the inhabitants to so pious and necessary a worke. The secretary in his letters is to enforme of the incouragement there is by the late progresse of affaires in sajd colledge, & likewise to lett such know who are & shall continue to be wholly neglective herein. This Court, at the next session, will be enforced to take further order herein, that some be not eased, & others burdened, and that the charge of transportation is to be paid out of the contribution.

M^r John Oxenbridge, the late reuend pastor of the first church in Boston, deceased, hauing binn appointed one of the ouerse's of the press, this Court orders and appoints M^r James Allin, teacher of the sajd church, to succeed in that place in his roome.

*In pursuance of an order of the Generall Court in October last, the major of the county of Suffolke, wth the comission officers of Boston, mett this day, & on due consideration & veywing the lyst of the trayned souldjers in this toune, in obedience to the sajd order, divided the sajd souldjers into eight companjes, & bounded them accordingly, & do make this their returne, requesting the major to present it, & was signed by the comission officers in that toune, which the Court considering of proceeded. It is ordered, that Cap^t Thomas Lake be captaine of the new company rayased out of Cap^t Savage his company, M^r John Richards, cap^t of that company rayased out of Major Clarks company, M^r Humphry Davy to be cap^t of that company rayased out of Cap^t Olliuers company, & M^r John Hull cap^t out of that raised out of the South Company, whereof W^m Hudson is cap^t.

Cap^t Thomas Lake, by his petition presented to this Court, & M^r Humphry Davy appearing in Court, & both desiring the Courts favour to accept of their refusall as to those offices, the Court granted their motions, and proceeded, leaving the said Cap^t Lake in the station he now is, and appointed M^r Daniel Hinchman cap^t of that company, and Left^t Thomas Clarke cap^t instead of M^r Davy, in that company; and did also order & appoint Hugh Drury to be left^t, & John Wing ensigne, to the foot company, vnder the comānd of Cap^t Daniel Hinchman, who is to haue the fifth place.

1675.

12 May.
All to haue y^rir
comissions ex-
cept.

And Mathew Barnard left^t, Anthony Cheekly ensigne, to the company, vnder the comānd of Cap^t John Richards, who is to haue the sixth place; and Enock Greenlefe to be left^t, & Pen Tounsens ensigne, to the ffoot company, vnder the comānd of Cap^t Thomas Clarke, who is to haue the seventh place.

Anthony
Cheekly to
take y^r oath of
fidelity, &c.

And Theophilus Frary left^t, and Benjamin Thirston ensigne, to the foot company, vnder the comānd of Cap^t John Hull, who is to haue the eighth place.

Daniel Turell is appointed & ordered to be ensigne to the ffoot company of Majo^r Thomas Clarks.

Daniel Turin
ensigne.

It is ordered, that Elisha Hutchinson be left^t, and Ephraim Turner ensigne, to the ffoot company of Cap^t James Olliuier.

Elisha Hutch-
inson left, Eph^t
Turner ensign.

It is ordered, that Nathaniel Reynolds be left^t to the ffoot company of Cap^t W^m Hudsons.

Nath. Reyn-
olds left.

*It is ordered, that John Price be leftenūt, & John Higginson ensigne, to the first ffoot company in Salem, (under the conduct of Cap^t Joseph Gardiner,) they taking the oath of fidelity till this Court further order.

[*32.]

Jn^s Price left,
& Jn^s Higgin-
son ensigne, to
y^e 1st company
in Salem.

It is ordered, that Richard Leach be leftenūt, & John Pickering ensigne, to the second foote company in Salem, vnder the conduct of Cap^t John Coruin.

Rich. Leach
left, & Jn^s
Pickering en-
signe.

It is ordered, that Thomas Burnam be ensign to the ffoote company in Ipswich, vnder the conduct of Majo^r Generall Denisson, Esq^r, their cap^t.

Tho. Burnam
ensigne to Ips-
wich.

For explanation of the law, title Military, sectⁱ 9, in explanation of masters of ships & other vessells aboue twenty tunns from trayning, it is hereby declared, that it is onely intended in that order the exemption of such masters as trade & passe to forreigne parts, and not of those whose employ of their vessells is in these parts, and neere where they liue vpon these coasts.

Law or order
ab^t snale ves-
sells.

Whereas the collection of the country & Castle rate in the yeare 1673 was obstructed in the toune of Hauerill by the death of the constable of the said toune, this Court doeth order, that the Tresurer of the country grant forth a warrant to the constable now in being, to gather in & pay the said rates to the Tresurers that are to receive the same.

Constable of
Hauerill to col-
lect y^e rates
ther of country
& Castle.

1675.

12 May.
Mr Moodys
sermon to be
printed.
Courts ans^r to,
& comitte^e ab^t
Salem & Mr
Higginsons pe-
tiçôn, &c.

This Court, considering the elaborate & seasonable discourse of the Reſeñd Mr Joshua Moody enterteyned the Generall Assembly with on the day of elecçôn, judge meet to entreate the said Mr Moody to transcribe a copy thereof meete for the presse, that it may be printed.

In ans^r to the petitions & remonstrances of severall inhabitants of Salem, as also the petiçôn & remonstrance of Mr John Higginson, the Court judgeth it meete, on their pervsall thereof, to order & desire our honoured Goſno^r, Jn^o Leueret, Esq^o, Samuel Symonds, Esq^o, Dep^t Gouverno^r, Edward Tynge, W^m Stoughton, Esq^s, wth Mr John Richards, Mr Peeter Bulkly, Cap^t Hugh Mason, Cap^t Daniel Fisher, Mr Joseph Dudley, and Cap^t John Wajte, to be a comitte^e to repaire to Salem at such time as the Goſno^r shall appoint, and there call the partjes concerned before them; and on a full hearing of what each partj^e can say for themselves, to endeauro^r an amicable conclusion betwene them, (if it may be,) & to make their returne of what they finde & doe therein at the next sessions of this Court.

[*33.]

Comitte^e as to
Beverly mo-
tion.

*In ans^r to the petiçôn or humble motion of the deputy of Beverly in behalfe of the said toune, the Court, on pervsall of the motion aboue exprest, which is on file, judge meet to appoint Major Generall Daſill Denisson, wth Lef^t Samuel Apleton & Ensigne Fuller, to be a comitte^e on the place to vejw the lands mentioned, and make their report to this Court what they judge necessary to be donn therein.

Ans^r to Cap^t
Lawthrop's mo-
tion.

In ans^r to the humble motion of Cap^t Thomas Lawthrop, humbly desiring this Courts explanation what their meaning was in their grant to Salem farmers, where it is said all lands wthin such a l^jne shall pay to their ministrje, whither all improoved lands or lands that are not improoved, where they themselves haue all the benefit, & the ouners none at all, this being decided may prevent many suites, the Court, on pervsall of this motion, doe appoint & order Major Generall Daniel Denisson, Lef^t Samuel Apleton, & Ensigne Fuller, to be a comitte^e on the place to vejw the lands aboue mentioned, & make their report to this Court what they judge necessary to be donne therein.

Ans^r to Alice
Howards peti-
çôn.

In answer to the petiçôn of Alice Howard, relict of the late Willjam Howard, late of Boston, deceased, the Court judgeth it meete, there being no heire to confirme the act of the County Court in Boston, on their adjournment, May the 21th, 1674, in settling the estate of the said Willjam Howard vpon hir, and doe fully impouer the petiçônors to dispose of the estate left hir by hir husband according to hir desire exprest in hir petition.

Ans^r to Rich^d
Ellice petiçôn.

In ans^r to the petiçôn of Richard Ellice, of Dedham, & Jn^o Bracket, of Billirrica, the Court judgeth it meet that an alteration be made according as is desired, & that the word 'land' be put instead of 'vpland.'

In ans^r to the petiçōn or motion of Georg Phelps, vnckle to Elisha Harte, at the sajd Phelps motion, signed by Elizur Holioke, the sajd Elisha Harte, thō a man groune, betweene thirty & forty yeares, not of abillity to mannage the estate left by his father, the Court judgeth it meet to grant what is desired in that petiçōn, i. e., liberty to make sale of so much of the land as is necessary for the ends proposed, so as it be donne by the advice & approbation of Cap^t Holjoke, & returne made to the Court of that county to be recorded.

1675.

12 May.

Harts land of
Westfeild to be
sold in case.

In ans^r to the petiçōn of Bozoone Allen, the Court judgeth it meete to grant the petiçōner a hearing of his case the next fifth day, at foure of the clocke, and that the secretary give warrant to all partjes concerned to make their appearance at the time appointed, & the petiçōner to signify to them the mind of the Court herein, w^{ch} accordingly was done, & the partjes & atturneys appeared accordingly.

Ans^r to Bo-
zoon Allens
petiçōn.

*In ans^r to the petition of Nathaniel Bosworth, of Hull, the Court judgeth it meete to grant the petiçōner, wth such others as shall present that tract of land therein desired, they being such persons as shall be approved by Willjam Staughton, Esq^r, Cap^t Joshua Hubbard, Cap^t Willjam Torrey, Left John Smith, and Left John Holbrooke, M^r Thomas Dyer, or any fouer of them, who are appointed a cōmittee for the ordering the giving of lotts, or otherwise manning the prudentialls there, to make a valid act, provided there be twenty familes settled there wthin three yeares, and that there be also a settled & orthodox minister there wthin the sajd terme, and that it be wthin our līne, and not intrench vpon any former grant; provided also, that a farme of two hundred & fiuety acres be lajd out for the countrys farme, and that a plat thereof, when a plat for the place or toune is brought into this Court, be also brought in.

[*34.]

Ans^r to Nathan
Bosworths pe-
tiçōn.

A new planta-
tion granted in
case neer Men-
don.

Countrys
farme.

In ans^r to the petiçōn of John Floyd, attorney to Henry Despaw, Señ, & Henry Dispaw, Juñ, the Court judgeth it meete that the clarke of the Court giue vnto the petiçōner a new execucion, to be levyed vpon the person or estate of John Gifford & partners, for the full satisfaction of the judgment obteyned at the County Court held at Boston in January last.

Ans^r to John
Floyds petiçōn,
attorney to
Henry Des-
paws.

In regard of the remotenes of the county of Devonshire, and there being no magistrate neere those parts, whereby it is matter of difficulty to haue the County Courts there kept by one of our magistrates, according to the law, it is therefore hereby ordered, that heereafter it shall and maybe lafull for the County Court of Devonshire, from time to time, to be kept by such gent^{ra} as shall be by this Court annually cōmissionated to that service.

County Court
in Devon, how
& by whom to
be kept annu-
ally.

In ans^r to the petiçōn of M^{rs} Penellope Bellingham, humbly desiring the

Ans. to M^{rs} Bel-
linghams peti-
çōn.

1675. favour of this Court to grant hir liberty to wthdrawe her petiçion, the Court judgeth it meete to grant hir request, and accordingly it was withdrawn.

12 May.

[*35.]

Ans^r to Samp-
son Shoares
petiçion.

*In ans^r to the petiçion of Sampson Shoare, together wth the humble request of Nathaniel Bosworth, execcuto^r to the last will & testament of John Lobdell, the Court judgeth it meete to impower Nathaniel Bosworth, deacon to the church of Christ at Hull, & father in law to John Lobdell, deceased, to make Sampson Shoare a legall deed, as is desired.

Ans^r to seu^{ll}
inhabitants of
Marlboroughs
petiçion.

In ans^r to the petition of Thomas King, John How, Señ, John Wood, Señ, Edw^d Rise, & seuerall other inhabitants of Marlborough, the Court, hauing read & considered this petition, and finding that \wedge therein conteyned many reflections vpon this Courts comitte^e, that haue spent much time in hearing and determining that matters of strife that haue been in that place, and whose returne in that matter hath been by this Court received and approved, doe order, that the complaynants shall haue a hearing at the next sessions of this Court, the first sixth day of the weeke, they giving notice thereof to the partjes concerned therein, and give sufficient caution to respond the Courts charges & fynall sentence.

Ans^r to Rich^d
Whartons peti-
tion as to Dr
Bellinghams
case; a hearing
granted.

In ans^r to the petiçion of Richard Wharton, in relation to his complaints in behalfe of Samuel Bellingham, Esq^r, his petiçion, wth some other papers presented wth it, being lajd aside, and the Court ready to breake vp, that they cannot now stay to issue it, which they are desirous of, and doe therefore order, that the secretary give notice to the trustees of the late Go^ono^r Bellinghams will, as also to M^r Richard Wharton, that the case is to be heard & determined the next sessions, the second day of the sd Court, that they giue their attendance accordingly.

Ans^r to Jer.
Belchars peti-
çion & other in-
habitants of
Ipsuich for a
new planta-
tion.

In ans^r to the petition of Jerremiah Belchar and seuerall others, inhabit-ants in & about Ipsuich, it is ordered, that the tract of land desired in their petition be allowed a plantation, provided it be but sixe miles square, or the quantity thereof, but not in length more then ten miles, or so much of the plat as conteines that quantity; & for ordering of the affaires thereof, admit-ting inhabitants, granting lotts, and ordering all prudentials of the plac^e, this

A comitte^e for
it.

Court appoints the honoured M^r Symonds, the present Deputy Go^ono^r, Majo^r Generall Daniel Denisson, Cap^t Samuell Apleton, & Cornet Whiple, or any two of them, to joyne wth Quarterm^r John Perkins, Corporall Jn^o Andrews, Sarjant Belchar, & Henry Bennet, or any two of them, who being met together, the majo^r p^{te} of them shall haue full power to act therein till the General Court shall otheruise order, provided a farme of three hundred acres, in some convenient place, shall be layd out for the country, & the petitioners not to be excluded from hauing lotts in this grant; also, that it be planted wth

twenty families, and haue an orthodox minister wthin sixe yeares, and that it be not to the p^riudice of any former grant. 1675.

In ans^r to the peti^cion of Edmnd & Willjam Sheffeld, humbly desiring this Courts favour to impower Joshua Fisher, son to y^e late Joshua Fisher, Cap^t Daniel Fisher, & Thomas Battile, administrato^r to y^e late Lef^t Joshua Fishers estate, power to make them a firme deed of sale of the six hundred acres of vpland & meadow, which the saj^d Joshua Fisher sold them on Boggestow Brook, w^{ch} they paj^d him for ; & the Court grants theire request, & impowers the administrato^rs accordingly.

*In ans^r to the petition of Bryan Pendleton, Humphry Warren, John Leighton, Richard Comins, Jn^o Sargant, John Carter, wth others, &c, the Court judgeth it meet to grant the peti^cioners the contents of six miles square, and doe hereby desire & impower Cap^t Frost, Cap^t Wincoll, & Leiftenit Playsted, or any two of them, to lay it out, as a co^mittee, in the place propounded, so it be free from former grants.

In ans^r to the petition of Henry Addams, in the name and by appointment of the farmers & petitioners of Sherborne, it is ordered, that Cap^t Daniel Fisher, Serjant Rich^d Ellis, & Serjant Thomas Thirston, of Meadfeild, be a co^mittee to see the saj^d exchange performed to mutuall consent of partjes, & Cap^t Gookin & M^r Elliot, on behalfe of the Indians, and to consider the æquality of their other request, provided Naticke bounds be first layd out and agreed vpon, & presented perfected to this co^mittee by the first of September next ; howeuer, that the co^mittee goe on to perfect the plantation by the next session, making theire report to this Court.

As an addition to the fuetie shilling allowed Edward Cowell by order of this Court, 27th May, 1674, for his horse, prest into the service of the country in a journey to New Yorke, the saj^d horse being spoyled in the saj^d service, it is ordered, that the country Tresurer pay & make vp the saj^d fuetie shillings fiae pounds, in money, to the saj^d Cowell.

The co^mittee by the hono^rd Geⁿill Court to heare the differenc betwixt Roxbury & Dedham concerning a l^jne betwixt the two townes, wee, hauing heard theire allegations & p^ersed the euidences, finde that Roxbury had once a right and title vnto the l^jne w^{ch} they clajme ; but by euidence & agreement wee finde the two townes of Roxbury & Dedham haue made an agreement of another l^jne, which was runne by both townes in the yeares 1651 & 1654, to be the l^jne of diuission betwixt the two townes ; but if any of Roxbury haue any propriety wthin the saj^d l^jne towards Dedham, they shall enjoy their particullar propriety, and Dedham enjoy their purchased land

12 May.

Ans^r to Edmnd Sheffelds peti^cion.

[*36.]

A new plantation granted aboue Saco.

Ans^r to Henry Addams peti^cion of Sherburne.Tresurer to pay Edwd Cowell 5th m^ony for his horse.Co^mittees returne as to Dedhams l^jne approved by the Court.

1675. purchast of Roxbury ; all which wee submitt vnto the honoured Generall Courts determination. Boston, May 3, 1675.

12 May.

JOHN LEUERET,
 SYMON BRADSTREET,
 HOPESTIL FOSTER,
 THOMAS PRENTICE,
 ELISHA HUTCHINSON.

The Court, hauing perused the aboue returne, doe approve thereof, as attests

EDWARD RAWSON, Secrety.

Dedhams bill
 of costs refferd
 to y^e County
 Court of Suff-
 folke, &c.

Dedham presenting their bill of costs, amounting to fuetu fower shillings, the Court saw cause to reffer the consideration thereof to the County Court of Suffolke, & comend the consideration & remitment of the fines imposed on the sajd tounes for their neglects to them, as they shall see cause.

Cap^t Carters
 comission to
 marry, &c.

Cap^t John Carter, of Wooborne, is appointed & authorized to joyne such in marriage as are duly published, as the law directs, one of the sajd partjes, at least, living in that precincts.

[*37.]

Ans^r to Jn^o
 Trumbles peti-
 con.

*In ans^r to the petiçon of John Trumble, in behalfe of the child of Henry Blackman, deceased, the Court judgeth it meete to grant the petiçoners request, and doe impower him to make sale of the sajd house for the ends proposed, he giving an accompt of what he shall doe therein to the County Court of Midlesex.

Ans^r to Benja.
 Bosworths pe-
 tiçon.

In ans^r to the petiçon of Benjamin Bosworth, the Court judgeth it meete to grant his request, so as the land desired & mentioned in his petiçon exceed not twenty acres, and that it be in this Courts power to dispose of, and not belonging to any toune or person.

Ans^r to y^e in-
 habitants of
 Oyster River.

In ans^r to the petition of the inhabitants of Oyster River, Phillip Hollet, Jn^o Bickford, Robert Burnams, John Woodman, & others, it is ordered, that the petitioners shall haue liberty ycarely to choose three selectmen, who shall haue power to make such rate or rates as they shall see necessity for the maintenance of the ministry, to be collected by the constable according to law.

Ans^r to Edw^d
 Colcords peti-

In ans^r to the petition of Edward Colcord, the Court judgeth it meete to reffer the hearing & examination of the case mentioned in his petition to the County Court of Norfolke, the sajd Colcord giuing legall notice to persons concerned to attend there, and the sajd Court to make returne to the next

sessions of this Court how they finde the case, that then this Court may make determination therein.

1675.

Whereas Abraham Patch, the son of Edmund Patch, about a yeare since did runne away from his wife (leaving hir wth child, and his aged ffather, debilitated in body & minde, wthout helpe) wth a married woeman, and the said father, Edmund Patch, and the wife & child, being left destitute, & repaying by their freinds to the County Court at Ipswich for help & succour, the said Court did sequester the lands of the said Edmund Patch, and order the sale of some lands for the present & necessary releife of the said father, and wife, & child, w^{ch} is already expended, this Court doeth order, that the act of the County Court of Ipswich or Salem shall be valid and good to all intents & purposes for the sale of all or any of the lands of the said Edmund Patch, or Abraham Patch, the father, & of the wife & children of the said Abraham Patch.

12 May.

Order for y^e
sale of Edmund
& Abraham
Patch land.

In ans^r to the petition of George & Francis Addams, humbly desiring the favour of this Court to confirme vnto them a certeine parcell of vpland & meadow seuerall yeares since given to them by Shoniow, sachem of Nashaway, deceased, called by the name of Washaame Hill, being about the quantity of two hundred acres, which land hath, since the death of the said Shoniow, binn confirmed to them by Mathew, his nephew, so called by the English, before the honoured Capt Gookin, and since the said Mathews decease againe confirmed by Samuel, now sagamore of the place, and alike acknowledged the eleventh of this instant May, 1675, the Court judgeth it meet to grant the petitioners request.

Ans^r to George
& Francis Ad-
ams petition.

Y^e 200 acs
confirmed.

*Bozoone Allen, plaintiffe, by petition, against Jeremiah Jewet and Phillip Nelson, executo^s to the last will and testament of Joseph Jewet, late of Rowley, deceased, deffendants, in an action of the case depending betweene the said partjes, which hath binn heard in inferiour Courts, wherein the plaintiffe craueth the favour & justice of this Court for a fynall issue thereof, this Court, hauing heard & considered the pleas & evidences of both partjes, wth the proceedings of former Courts that haue given judgement therein, doe order, that the defendant shall pay vnto the plaintiffe two hundred sixty & seven pounds seventeen shillings & eight pence in corne or catle, at currant prices, (horse kind exempted,) & costs of Court; and that all the houses & lands whereof the said Joseph Jewet died seized, and are not legally disposed of or aljenated for sattisfying of his just debts, shall be & remajne as security for payment of his debt, as well as that which the plaintiff hath already extended vpon, & be lible to be taken in execution for payment thereof, in case that it be not sattisfied in manners as is aboute prouided and ordered, the

[*38.]

Courts judg-
ment in y^e case
of Bozoone Al-
len ag^t Jerre-
miah Jewet,
&c, wth Jewet,
Whiple, &c.

1675.

12 May.

plaintiffs giving the defendants notice when he will make demand thereof, which he did, on their motion, in open Court, declared to be on the sixteenth day of June next, and this to be a fynall issue of this case betweene the plaintiffe and defendants, the Court ordering the plaintiff to pay eight pounds mony for the Courts hearing of the case, which, wth the plantiffes costs aboue granted, being six pounds six shillings in all, came to fourteen pounds sixe shillings & eight pence mony.

Antho. Check-
ly ensigne.

It is ordered, that Mr Anthony Checkly officiate in the place of ensigne to the ffoot company vnder the conduct of John Richards, captaine, and till this Court take further order.

Ans^r to Benj.
Loules petiçōn.

In ans^r to the petition of Benjamin Lowle, the Court judgeth it meet to referr the petitioner to take his due course in law, (hauing or petending to haue new evidence,) if he see cause.

Pardon grant-
ed to Peeter
Rodrjego, y^t
was found gail-
ty, &c.

In ans^r to the petiçōn of Peter Rodriego, humbly desiring this Courts favour in his pardon, ouning his petition in open Court, the Court judged it meete to grant the petitioner a full & free pardon, according to his desire in his petiçōn.

Mendon comit-
tee.

In ans^r to the minister, Joseph Emerson, wth the selectmen of Mendon, the Court judgeth it meete to order & impower Mr Edward Tyng, Mr Joseph Dudley, Mr W^m Parkes, & Captaine Foster, the former comittee, to be a stand- ing comittee of that place, as is desired, till this Court take further order thereabouts.

[439.]

Haverill, July
the 4th, 1674.
Hauerill
bounds lajd
out & con-
firmed.
Billirica, 12
2 mo, (75.)

*Att the request of the selectmen of Hauerill, the bounds of the said toune were perfected as followeth: From Hoult's Rocks wee ran due north west, according to the compasse, not allowing any variations, allowing Amesbury their full and just bounds, as hath binn determined by the honoured Generall Court; all the other lines on the west side of the plantation wee ran from Merremacke Riuer due north, vntill it cut wth the first ljne, where wee erected a great pillar of stones; this last ljne was sett out & begun to run, by Ensigne Noyes & Sarjant Jn^o Parker, at eight miles distance from Hauerill meeting house, vpon a due west ljne, which is according to the grant of the Generall Court; the runing ljnes on both sides of the plantation were well bounded by markt trees, & heapes of stones. Lajd out

By JONATHAN DANFORTH, Survejer.

The Court approoves of this returne.

As attests

EDW: RAWSON, Secre'y.

The Court, considering the great paines & charge, & good service of Mr John Payne in laying out & runing our south līne, judge meete to grant his request as to the eighteen hundred acres, so it be in one place, as also the fouer thousand acres, so it be lajd out together, and in one place, provided & on condition he not only give his oath to his returne, but also procure the testimonjes of those that accompanied him therein.

1675.

12 May.
Jn^o Paynes
grant on con-
dicio.

In ans^r to the petition of the selectmen of Billirrica, they are granted liberty to find out a parcell of wast land suiteable for theire accomodation, & present the same to the next sessions of this Court, who will be ready to accomodate them so farr as may be donn wthout prejudice to former grants or to the publicke.

Ans^r to Billir-
rica peti^on.

Whereas the body of Edward Lewis being found dead, & vejwed by the coroners inquestt, who haue given in their virdict, finding him to be wounded in seuerall places, whereby he was murthered, it is by this Court declared, that it is the duty of all persons that are in any wise privy to any words, actions, or report that may tend directly or indirectly to finde out & discover the murtherers forthwith to reveale the same to lawfull authority, and that none may be vnder any temptation to conceale what they either know, or haue heard by report, least through former silence they should thereby ensnare themselues, this Court doeth, for theire security and indempnity, further declare, that neither former concealement nor non discovery of the trueth, as aforesajd, shall be any occasion of trouble or damag to any person or persons whateuer that shall now give in theire testimonjes, vnless it shall appeare that they haue been actors in that horrid murther, and doe heereby comānd & require all persons to attend their duty herein & truely declare what they know or haue heard that may tend to finde out the murtherers to the honoured Gouvernor, or some of the magistrates, before the 17th of June next, as they will answer the contrary at their perill.

Courts procla-
mation to dis-
couer the mur-
ther of Lewis.

*This Court is adjourned to the 13th October next, at one of the clocke in y^e afternoone. [*40.]

HERE followeth the names of the deputjes sent to serve at the Generall Court of Election, to be held at Boston, the 12th of May, 1675, & should haue binn plact at the beginig of that session, but was forgott, & therefore is here plact :—

Mr W^m Broune, Mr Edmund Batter, Salem.

Capt Laurenc Hammond, Cha^rs.

VOL. V.

6

1675.

12 May.

Cap^t Hopestill Foster, Leif^t Jn^o Capen, Dorch.
 M^r Anthony Stoddard, Leif^t Thō Clarke, Boston.
 M^r Joseph Dudley, M^r W^m Gary, Roxb.
 Cap^t Hugh Mason, Leif^t Rich^d Beeres, Water ^
 M^r Edw^d Jackson, M^r Edw^d Oakes, Cambridg.
 Ensig^e Jn^o Fuller, Lynn.
 Leif^t Samuel Apleton, M^r Georg Gittings, Ipsuich.
 Leif^t Archelaus Woodman, Newbery.
 M^r Thomas Dyer, Wey:
 Cap^t Joshua Hubbard, Hing.
 M^r Peter Bulkley, Concord.
 Cap^t Danⁱ Fisher, Dedham.
 Cap^t Elizur Holyoke, Spring, 1 s.
 M^r Samuel Dalton, Hampton, 1 s.
 M^r Maximⁱ Jewett, 1 s, M^r Rich^d Swann, 1 s, Rouley.
 Leif^t Edm^d Quinsey, Brantry, 1 s.
 Maj^r Rich^d Walderne, Douer.
 M^r Humphry Davy, Wooborne.
 Cap^t Rich^d Cutts, Portsmouth, 1 s.
 Cap^t John Wayte, Maulden.
 Cap^t Thō Lothrop, Beverly.
 Cap^t John Wincoll, Kettery, 1 s.
 Leif^t Henry Addams, Meadfeild.
 M^r Edw^d Richworth, Yorke.
 M^r John Richards, Hadley.
 M^r Peter Tilton, ^
 Leif^t W^m Clarke, North Ham^p, 1 s.
 Leif^t Georg Broune, Hauerill, 1 s.

Majo^r Richard Waldern was chosen Speaker for May sessions, 1675.

**.Att a Generall Court, called by the Goũno^r & Council, & held at 1675.
Boston, the 9th of July, 1675.*

9 July.

[*41.]

PRESENT at y^e Court, —

Jn ^o Leueret, Esq ^r , Goũ,	
Saũ Symons, Esq ^r , Dep ^t Gõ.	
Symon Bradstreet,	} Esq ^{rs} .
Daniel Gookin,	
Daniel Denisson,	
Rich ^d Russell,	
Thõ Danforth,	
W ^m Hathorne,	
Edw ^d Tyng,	
W ^m Stoughton,	
Thõ Clarke,	
Assistants, & }	

The names of the deputjes to serve at y^a Court were, —

M^r Edmund Batter, M^r W^m Broune, Salem.

Cap^t Lau^r Hamond, Ch T.

Cap^t Hops^t Foster, Lef^t Jn^o Capen, Dorch.

M^r Anthõ Stoddard, Lef^t Thõ Clarke, Boston.

M^r Joseph Dudley, M^r W^m Gary, Roxbū.

Cap^t Hugh Mason, L^t Rich^d Beeres, Water^t.

M^r Edw^h Jackson, M^r Edw^d Oakes, Camb.

Ensⁱ Jn^o Fuller, Lyn.

* Lef^t Saũ Apleton, M^r Georg Gettings, Ip^s.

Lef^t Arch^s Woodman, New.

M^r Thõ Dyer, Wey.

Cap^t Josh Hubbard, Hing^h.

M^r Peter Bulkley, Concord.

Cap^t Danⁱ Fisher, Dedh.

Cap^t Elizur Holyoke, Spring^h.

IN pursuance of an order of the Generall Court, held May the 12th, 1675, relating to the future setting of the mint, it is agreed by vs, the subscribers, as a comittee appointed therevnto, as followeth; i. e., —

That the former masters of the mint, viz^t, Robert Saunderson & John

1675. Hull, doe continue to mint what siluer bulljon shall come in for this seven
 9 July. yeares next to come, if either of them liue so long, and doe receive of those
 that bring bulljon to the mint, as a full reward for their paynes, twelve pence
 for euery twenty shillings, & three pence for the wast of euery three ounces
 of sterling siluer that they shall so mint, viz^t, fiuteen pence in the whole for
 euery twenty shillings; and the sajd minters are to pay in to the Treasurer of
 the country, in mony, twenty pounds p anñ during abouesajd terme. That
 this is our agreement, wittnes our hands heerevnto put, the 3^d of June, 1675.

JOHN LEUERET,
 SYMON BRADSTREETE,
 EDWARD TYNG,
 ROBERT SANDERSON,
 JOHN HULL.

The Court approoves of this returne, and the setlement of the mint
 accordingly. As attests

EDWARD RAWSON, Secre^{ty}.

For the defraying the charge of what hath binn expended in the present
 expedition against the Indians, and for a future supply as to that affayre, it is
 ordered, that there be a single country rate levyed vpon the inhabitants of this
 jurisdiction, and to that end that the Treasurer forthwith issue out his war-
 rants to the seuerall townes, and imēdiately vpon the receite thereof the
 selectmen, wth such cōmissioners as shall be chosen, to take a list of the names
 of all heads rateable, and to make a just valluation of all estates, as in times
 past, and in all respects to act as in the lawe is provided for publicke charges,
 saue only as to the tyme therein prefixed, and that the Treasurer appointe time
 and place of meeting in the seuerall countjes. And it is further ordered, that
 the aforesajd single country rate be all payd in money, & the constables of the
 seuerall townes be speedily ordered to collect & gather the same, and to make
 returne thereof to the aforesajd country Treasurer by the last of August, that
 so it may be improved for the ends aboue exprest.

It is ordered, that the cōmittee for this expedition be impowred by the
 constable heere or elsewhere to presse fower thousand of bread, and that
 sixe barrells of powder deliuered to their order by the surveyor, and that
 proportionable bullet & shott be provided by them, and all conveyed to the
 cōmissarjes, for the vse of our army at their quarters, by the sloop that is
 going.

It is ordered, that that part of the lawe, page 78, title Indians, impour-

ing the Tresurer to license persons to sell any Indian or Indians, not in hostility wth us, powder, shott, lead, guns, hand gunnes, rapier blades, swords, &c, on condition therein exprest, is heereby repealed.

1675.

9 July.

*Whereas the troopers & theire trooping horses are wont to be exempted in ordinary country rates, it is heereby declared, that they are not to be freed in the rates granted by this Court for the defraying the charge of the present expedition against the Indians.

[*42.]

Troopers not
disch'dged
from rates to
y^e warr.

It is ordered, that Sarjant Josiah Heynes, of Sudbury, shall be leif^t to Capitaine Edmund Goodenough.

Josiah Heynes
le^f.

It is ordered, that the comittee for this expedition is forthwth to make prouission for the conveyance of such amution as our neighbours of Plymouth haue writt for, keeping the account of the chardge thereof.

It is ordered, that the matter refferring to M^r Graues sitting in Court, & M^r Graues. not accepted by the House of Deputjes, shall be heard and determined at October sessions, the first day of the Generall Court.

This Court doeth declare, that the Castle souldjers who haue binn freed from watchings & wardings in the townes where they dwell in ordinary cases, are not exempted therefrom in cases extraordinary, that are not of the like nature.

Castle souldiers
not exempt^d
from extraor-
dinar. watch-
ings.

In ans^r to the petiçōns of John Roads, Peter Grant, Rich^d Foulers, and Randall Judson, the fower condemned malefacto^rs, the Court doeth order the respitting of the consideration of the said petiçōns vntill the sessions of the Generall Court in October.

Ans^r to Jn^o
Roads, Peter
Grant, &c.

For the defraying the charge of what hath been expended in the present expedition against the Indians, and for a future supply of the treasury, it is ordered, that there shall be three single country rates levyed this yeare, and that the Tresurer doe accordingly issue out his warrants to the seuerall townes, the said rates to be payd, the one wthin one moneth, the second in the 8 m^o, and the last at the vsuall time & manner, and all the said rates to be brought in to the Tresurer, wthout any allowance for carriage, but that to be borne by the seuerall townes, and such as will pay in money, shall be abated one fowerth part.

Three country
rates.

This Court is dissolved.

1675. **At the second Sessions of the Generall Court, held at Boston,
the 13th of Octobr, 1675.*

13 October.

[*43.]

PRESENT, Jn^o Leueret, Esq^r, Go^v,
Saml Symonds, Esq^r, Dep^t Go^v.
Daniel Gookin,
Daniel Dennison,
Symon Willard, 19 : 8 : 75.
Rich^d Russell,
Th^o Danforth,
W^m Hathorne,
Edw^d Tyng,
W^m Stoughton,
Thomas Clarke.

The names of the deputjes y^t sat at this Court were, —

WHEREAS, notwithstanding the councils former prohibition of all Indians coming to, or remaying in, the toune of Boston, wee finde that still there remaines ground of feare that, vnless more effectuall care be taken, wee may be exposed to mischiefe by some of that barbarous crew, or any strangers, not of our nation, by the coming into or residing in the toune of Boston, this Court doeth therefore order, —

First. That, from the publication hereof, no person or persons whateuer, in the sajd toune, shall, vpon any pretence whatsoever, entertajne, oune, or countenance any Indian, vnder the pœnalty of being a betrayer of this government.

Secondly. That there be a guard appointed at the end of the sajd toune, towards Roxbury, to hinder the coming in of any Indian vntill application be first made to the Gouverno^r, or council, if sitting, and then to be admitted with a guard of two musketeers, and to be remanded backe wth the the same guard, nor to be suffered to lodge in toune, unless in prison ; provided that, if any Indian or Indians that shall be employed vpon any message or business shall come vp to the sajd guard, they shall forthuith be conveyed to the Gouverno^r or council, & be by him or them disposed of & secured during their necessary stay for the dispatch of their business, and that to be conveyed as aboue sajd.

Thirdly. That it shall be lawfull for any person, finding any Indian in toune without sajd guard, to apprehend and secure him.

Fourthly That care be taken by the military watch to prevent any from coming by water to the said town, either from Dorchester or Roxbury Necke, in cannoes or otherwise, and that there be special care taken of places where ammunition is, &c. 1675.
13 October.

Fifthly. That order be given to Charls Towne fferry not to land any Indian at the said town wthout order from the Gouverno^r, & then to be guarded with two musqueteers.

Sixthly. That it shall be lawfull for any person, vpon any Indians approaching the said town, either by water or land, without a guard as about said, to apprehend & secure him.

Seventhly. That account be taken of all straingers who are not his majesties subjects, and that they remajne not in town vnless security be given for their fidelity, and that none be admitted but vpon the like security, and that no master of any vessell bring in any wthout acquainting the Gouvernor therewith, & presenting their persons in order to their examination, who, if vpon their examination can give no good account of their business, and security for their good behaviour, shall be sent to prison vnless they doe forth with depart.

Eighthly. That it shall not be lafull for any inhabitant, from the declaration hereof, to enterteyne any stranger in his house, or for tyme to come, till this order be reuersed, wthout leaue granted by authority, vpon the penalty of any fine authority shall see meet to impose; and the comissioners, & the selectmen, and captaines of Boston are ordered & required respectively to haue a special care, that this order in the seuerall parts thereof be duely observed and attended. [44.]

Whereas it is found by experience that troopers & pikemen are of little vse in the present warr wth the Indians, now, for the improouement of them to more or better advantage, — Courts proclamation to prohibit Indians coming into Boston.

It is ordered by this Court and the authority thereof, that all troopers shall forthwith furnish themselves wth carbines and amunition proportionable, and also be liable to be impressed by the committee of militia in the town where they liue, to serve as foot soldjers during the said warr; provided always, that one fourth part of the troopers in each town be reserved for the vse of the country as such; and all pikemen are hereby required forth with to furnish themselves wth fire armes, and such a quantity of amunition, from time to tyme, as the law requires musketeeres to be furnished wth, any law, usage, or custome to the contrary notwithstanding. Troopers to furnish themselves wth carbines.
3 p^{ts} of troopers liable to presse in y^e townes y^e liue.
Pikemen to furnish y^emselves wth fire armes.

Whereas the great necessity of a speedy supply of fire armes, musketts, and carbjnes is too apparent in this time of warr wth the Indians, —

1675.

13 October.
A thousand fire
armes to be
sent for.
Way of pay-
ment for them.

It is ordered by this Court, that a thousand fire armes be accordingly procured wth all convenient expedition for the vse of the country, payment whereof to be made out of the publick treasury to such merchants as are agreed with for their procuring thereof by the comitte appointed by this Court for that end, and that the sajd armes shall be proportionably distributed to the seuerall townes of the colony; and the selectmen of the respective townes are hereby enabled to raise moneys to make payment to the Tresurer for their seuerall proportions.

Comittees of
militias power
to garrison
townes to pre-
vent invasion.

[*45.]

Itt is ordered by this Court, that the comittees of militias in the seuerall townes throughout this jurisdiction, they or the majo^r part of them, the cheife military officer of the toune being present, shall settle and dispose the seuerall inhabitants of their *respective townes into such a posture as seuerall exigents appearing call for, & that into one or more garrisons, all persons in the seuerall townes, vpon pœnalty of five shillings per day, being heereby obleiged to labour in and provide such fortification or fortifications as they shall agree vpon; and all inhabitants to attend their places in such fortification or garrison as they are appointed vnto, and in case of alarum or invasion, to appeare at and for the defence of such places as by the comitte they are appointed vnto, and no inhabitant or souldjer to leaue his station vpon any employ whatsoever but according to order from the cheife officer.

2. And that the seuerall smale frontier townes which are judged not able of themselves to bear the distress of the warr shall haue their weomen and children (except so many as are necessary to abide) remooued vnto the next inland townes, and be there improoved for the best advantage and least charge, vntill further order be taken, and souldjers added to the sajd toune for garrison, as shall be judged necessary by this Court or council of the comonwealth, the sayd seuerall townes providing them wth victualls during their abroad.

3. That the sajd seuerall comittees are hereby ordered particularly to inspect the seuerall stocks of amunition and armes in their seuerall townes, and the same to alter, augment, and dispose as they judg meete; and the comittees of militia in the seuerall townes are hereby authorized to assess vpon all such persons of estate wthin their townes (as are, by the County Courts or comittees of militja, exempted from ordinary traynings) so many fire armes, muskets, or carbjnes, wth a proportionable stocke of powder & amunition, as the sajd comittees respectively shall appoint, to be always kept in their hands to be in a readines for the service, vnder the like pœnaltjes as the law provides for the furniture of euery privat souldjer; and such armes, from time to time, are to be surveyed and vejwed by the clarks of the trayned bands in the seuerall

tounes, who shall, vpon any defect, levy the same fines that the lawe provides for particular company^s; and all such persons as shall be assessed, and shall accordingly provide three fire armes, shall be freed from being sent abroad to the warrs, except in extreame & utmost necessity.

1675.

13 October.

Whereas troopers are exempted from paying head money and rates for their horses, —

This Court judgeth it meet to restreine that priuiledge during this present warr, and doe order, that troopers pay in that case as others doe, (provided troopers haue their priuiledge for one rate in the yeare,) and likewise the Castle souldjers pay their head mony as other men, any law, vsage, or custome to the contrary notwthstanding.

Troopers priuiledge restrained for one rate annually.

*Lawes and ordinances of warr, passed by the Generall Court of the Massachusetts for the better regulating their forces, and keeping their souldjers to their duty, & to prevent prophaneess, that iniquity may be kept out of the campe.

[*46.]

Military lawes.

1. Let no man presume to blaspheme the holy & blessed Trinity, God the Father, God the Son, and God the Holy Ghost, vpon payne to haue his tongue bored wth a hott iron.

2. Vnlawfull oathes, & execrations, & scandalous acts, in derogation of Gods honour, shall be punished wth losse of pay and other punishment, at discretion.

3. All those who often & wilfully absent themselues from the publick worship of God & prayer shall be proceeded against at discretion.

4. Whosoever shall be conuicted to doe his duty negligently and carelessly shall be punished at discretion.

5. No man shall presume to quarrell wth his superiour officers, vpon paine of casheiring & arbitrary punishment; nor to strike any such, vpon payne of death.

6. No comānder or souldier shall depart from his charge or captaine wthout license, vpon paine of death.

7. Euery private souldier, vpon paine of imprisonment, shall keepe silence when the army is to take lodging, or when it is marching or in battalliō, so as the officers may be heard and their comānds executed.

8. No man shall resist, draw, lift, or offer to draw or lift, his weapon against his officer, correcting him orderly, for his deffence, vpon paine of death.

1675.

13 October.

9. No man shall resist the provost marshall or any other officer in the executing of his office, vpon paine of death.

10. No man shall vtter any words of sedition or mutiny, vpon paine of death.

11. They that shall heare mutinous speeches, and not acquaint their comānder wth them, shall be punished wth some greivous punishment.

12. Drunkenes in an officer shall be punished wth losse of place, and in a private souldier wth such punishment as a Court Martiall shall thinke fit.

[*47.]

*13. Rapes, rauishments, unnaturall abuses, & adultery shall be punished with death.

14. Fornication & other dissolute laciviousness shall be punished wth discretion, according to the quality of the offence.

15. Theft, robbery, shall be punished wth restitution, & otherwise wth discretion.

16. Murder shall be expiated wth the death of the murderer.

17. All souldjers coming to their coulors to watch, or to be exercised, or to service, shall come compleately armed, and them fix^d, vpon paine of punishment.

18. If any shall negligently loose or sinfully play away their armes at dice or cards, or other wayes, they shall be kept as pyones or scavengers till they furnish themselves with as good armes.

19. None shall presume to spoyle, sell, or carry away any amunition comitted vnto him, vpon payne of death.

20. No souldier shall outstay his passe w^{thout} a certifficat of the occasion vnder the hand of a magistrate, vpon payne of loosing his pay.

By greivous punishment is meant disgraceing, by casheiring, the strap-padoe, or riding the wooden horse to fetch blood.

Arbitrary punishment, or punishment at discretion, is meant not to extend to hazard life or limbe.

Order to regulate guards & garrison souldjers.

For the better regulating those souldiers that are appointed to guard or garrison any particular toune or place, it is ordered by this Court they shall be vnder the comānd and dispose of the cheife military officer on the place for their improovement, whither as scouts, warding, watching, fortifying of garison places, or remooving and taking away that which may endanger the peace & safety of the people in the place, excepting only where the major of the regiment to which they belong, the council, or Generall Court shall otherwise appoint and order.

Whereas diuerse persons haue binn impressed for the service of the

country, who, wanting armes, haue *bin suppljed & furnished wth the armes & affinitie of other inhabitants, by order of the comittees of militias of the seuerall townes, to the end that the sajd armes may be duely returned to the right owners, and the country might not be vnduly chardged.

1675.

13 October.

[*48.]

It is hereby ordered, that the comissioners for the warr shall not passe any debenter vpon the single cirtificate of his captaine for the tyme of the service of any such souldier that hath not been slaine in the warr, wthout a cirtificate from the comittee of the militia of that towne whence such souldier was pressed, that either he went out wth his oune armes, or hath returned to the right owner the armes which he was furnished wth.

Order to secure
the countrys
armes.

The Court, vnderstanding that the tyme is expired wherein the rate vpon goods imported, &c, was farmed, doe order, that M^r Symon Bradstreet, M^r Richard Russell, M^r Anthony Stoddard, Cap^t Joshua Hubbard, & Cap^t John Richards be a comittee, and heereby is appointed to treat wth such persons as shall present about agreeing for the same, who shall make report at the next meeting of the Court what shall be offered or proposed therein.

Comittee abt y^e
customes.

A mill for making of powder being erected at Vnkety or Dorchester mill, by particular persons, and is ready now to worke wth all materials, and there being danger, in this time of warr, of destruction by fire or otherwise to the sajd mill, wth may be prejudiciall to the publick as well as to p^rticular persons, all which this Court considering, doe order, that care be taken for a constant watch there, for preservation of the sajd mill and the greist mill adjoyning therevnto, being of so great concernment to both the townes of Dorchester & Milton, and that two watchmen be a^pointed there, one from Dorchester and the other from Milton, for that end.

An order for
two watchmen
to guard y^e
pouder mill at
Milton.

Whereas the keeping of Charls Towne ferry is a worke of publicke concerne, this Court doeth grant vnto Francis Hudson & John Burridg, Señ, ferry-men, that their fower servants employed to manage two boates be freed from being impressed in the country service, i. e., Rich^d Burton, Robert Trauis, Jn^r Buridg, Jun^r, & John Stride, provided all posts & messengers employed in publick service passe freely & speedily.

Charls Towne
ferry-men ex-
empted from
y^e presse.

It is ordered, that Majo^r Clarke forthwith strengthen Mendon garrison, by adding ten more vnto them, and that forthwith.

Major Clarke
to strengthen
Mendon by
addi^g 10 more.

*And it is further ordered, that all such persons as haue already quitted their habitations, & doe not forthwith returne, or shall heereafter leaue their habitations, licence not being first obteyn'd from the Generall Court or council, they shall forfeite theire interest in that place for the defraying the charge of the garrison souldjrs.

[*49.]

Order prohib-
bitting prouis-
ions transpor-
tation.

1675.

13 October.

The Court, considering the great danger of a famine, or at least a scarcity of bread & other provisions, by reason of this warr, if the Lord graciously prevent not, doe hereby strictly prohibitt the exportation of all sorts of provisions (except fish & mackerell) out of this jurisdiction, vpon any pretence whatsoever, victualling of ships or vessells excepted; & Capt James Olliuier & Lef^t Thomas Bratle are appointed by this Court the officers to make search for & seizure of all such provisions as shall be loaden, contrary to this order, for exportation, to be forfeited, one fourth part to the persons seizing, the remainder to the vse of the country, provided the council may give liberty to any person as they see cause, this order to stand in force till the Generall Court or councill shall see cause to revoake it.

Order enabling
committees of
militia to pass
acco's & value
horses, &c.

It is ordered, that the committee of militia in the seuerall townes shall heare, determine, & settle the whole accounts of the seuerall townes respecting all disbursments of armes, ammunition, horses, furniture, provisions, &c, not exceeding three pounds for a horse, & as neare as may be proportioning the accounts of all disbursments, whose bills to the Treasurer or committee of that affaire shall be payd when the assessments are come in, raised vpon that account.

This done al-
ready.
Committee abt
customs.

The Court, vnderstanding that the tyme is expired wherein the *the* rate vpon goods imported & was farmed, doe order, that M^r Bradstreet & M^r Russell, M^r Stoddard, Capt Hubbard, & Capt Richards be & hereby are appointed a committee to treat wth such persons as shall present about agreeing for the same, who shall make report at the next meeting of the Court what shall be offred or proposed therein.

Officers to the
troope of horse
in Suffolke.

Capt Willjam Daus is appointed to be captaine, & Cornet Thomas Bratle to be leiftennant, Corporall Jacob Elliot for cornet, are appointed to be the comission officers of the troope in Suffolke.

Boston, October 23, 1675.

[*50.]

*Capt Apleton: —

Courts letter
to Capt Aple-
ton.

Wee received yours of the 17th instant, whereby wee vnderstand the recalling of Major Treate, wth the greatest pte of Connecticut men, & the disobedience of those that were left behind, w^{ch} yow should haue made some of them to vnderstand, by all wee perceive, the order concluded by the comissioners is like to be frustrated, though wee haue to the vtmost attended it on our parts to our great costs, exposing, hazard, & losse of men. Wee, therefore, (supposing you well know the order of the comissioners, to keepe out five hundred men in those parts, till recalled by their order, or the agreement of

the comānders,) doe, for diuers considerations, aduize & order yow that, consulting with your officers, yow prouide for the garrisoning and securing those townes, and that you prepare the rest to be ready to returne when yow shall receive an order from the Generall Court, or council heere, which yow may shortly expect, vnlesse wee see better reason then yet wee vnderstand. The continuance of such a number as are there so ill provided against the cold, to no more advantage then yet wee see grounds to hope for, wee looke at as an vnsupportable charge to us, and intollerable burthen to those townes that will want their prouissions before the spring. Besides, other parts call for our assistants. This wee thought good to lett yow vnderstand, to be some guide to your counsils & conclusions, which wee comēd to the guidance of the only wise God, to whose grace & ptection wee comitt yow & those wth yow, and are,

Yo^r loving freinds,

EDW RAWSON, Secre^{ty}.

By order of y^e Geⁿll Court.

It is ordered, that the mayo^r of the regiment of Suffolke fo^rth put his whole regiment into a posture of warr, and be imēdiately together in compleate armes, vnder their seuerall captaines, ready to march, and also to order the comānders of the troop for Suffolke to gather the troopers together in their compleate armes, and be ready to march on a moments warning, to prevent such danger as may seem to threaten us; the like order for Midlesex; & that Cap^t Gookin, in the absence of the major, act accordingly there.

1675.
13 October.

*For the better security of the county of Dover & Portsmouth, and of Yorkshire & the parts adjacent, it is ordered, that there shallbe forth with forty able men raysted, & sent to Mayo^r Walderne, to be by him disposed of for the end aforsajd, and not to be called of wthout the saj^d mayo^r's consent, or else by order of the Geⁿll Court or council.

Order for Suffolke & Midlesex to be in armes, &c.

[*51.]

It is further ordered, that the eighteene souldiers already sent out of Norfolke, and at present vnder the comānd of M^r George Broughton, shall be part of this number, and the other twenty two shall be raysted by the mayo^r gene^{ll} out of the county of Essex.

Order to secure county of Dover & Portsmouth, &c.

It is hereby ordered, that the Puncapouge Indians shall haue liberty to remooove their stuffe and prouissions to the place assigned them by this Court, neare Braintry & Milton, and they may not be interrupted in their passage betweene the saj^d places, but be assisted in the conveyance of their goods by the English.

Souldjers vnder M^r Georg Broughtons comānd.

Puncapau Indians liberty to remooove, &c.

Ans^r to Stephen Haskets peti^{ti}on.

In ans^r to the petition of Stephen Haskett, the Court judgeth it meete

1675.

13 October.
Capt^r Wheeler
to haue ten
pounds as p^t of
his pay.

to dismisse the petiçoner from the service, and order the millitary officers in Salem to impress another in his roome.

In ans^r to the petiçon of Thomas Wheeler, capt^r, humbly desiring this Courts favour to order him some part of his pay, for the releife of his present necessitjes, the Court judgeth it meet to grant the petiçoner ten pounds for his present supply by the country Tresurer.

Tenn pounds
allowed to Lef^t
Hinchman.

Whereas Left Thomas Hinchman hath been at great charge in providing ffor the diet of certeine souldjers appointed to garrison his house vpon Merremacke Riuer, where sundry Englishmen, his neighbours, are concerned, which is a very apt place to secure that frontier, and besides, the said Hinchman hauing, vpon all occasions, binn very serviceable, and hath expended much time and charge to put in execution sundry orders and directions sent to him from the council, this Court doe order, that the souldiers of that garrison be mainteyned both for diet at the toun of Chelmsfords charge for the tyme to come, and vntill the Court or council take further order; and further more, that tenn pounds be allowed him for his *extraordinary expences and labour out of the country treasury.

[*52.]

Rich^d Foulers
pardon.

In ans^r to the petiçon of Richard Foulter, condemned by law, humbly imploring the favo^r & mercy of this Court, the Court judgeth it meete to grant the petiçoner his life, according to his desire, &c.

Order to imp^rs
a gunn smith
for Concord.

Whereas in Concord & the tounes adjacent there is a necessity of a gunnsmith to be resident there, for the fixing vp of armes, from tyme to tyme, during this warr, it is heereby ordered, that Capt^r Timothy Wheeler be heereby impowred to impress an able gunsmith, who is to repaire to Concord, who shall carefully and diligently attend that service.

Courts letter
to major gen-
nerall.

S^r: —

Wee received your letter, dated at Lynn, 23th instant, and haue perused the particuls inclosed, w^{ch} still present us wth sad tjdings (the Lord haue mercy on us) touching the performance of yo^r promise to Major Pike in your designe to rajse what force you can to resist the ennemys head quarters at Ausebee. Wee approve of it; only wee presume your intelligence that the enemy is there is vpon good grounds. Wee cannot give yow particular orders, but leave the manngement of this affayre to yo^r prudenc & assistance of Almighty God, not doubting yo^r care in leaving sufficient strength to secure the frontjer tounes of Norfolke & Essex, least the enemy should visit them when the fforces are aboord. Wthout doubt, if their squawes & papooses, &c, be at Assabee, & God be pleased to deliver them into our hands, it would

be much for our interest. As for your personall marching, it will be acceptable, if God inable to psecute it. So comitting yow to God, remaine,
Yo^r lo: freinds,

1675.

13 October.

EDW^d RAWSON, Secret^y.By ord^r of y^e Court.

Whereas the Punckepauge Indians haue prepared & neere finished a good & deffencible fort, & the scittuation of that place being accomodã for the scouring & securing of the southern passages & inlets vpon our plantations, it is ordered & enacted, that, for the better improouement of the Indians & fort aforesajd, the major of Suffolke shall forthwith appoint out of the towns of Dorchester, Milton, & Braintry sixteen or twenty souldjers, well armed, to reside at Punckepauge, vnder the comand of a meete person, w^{ch} souldjers, together wth the Indians of that place, vse all diligence by scouting and ranning in the woods betweene Weymouth & Naticke, to prevent or give intelligence of the approach of the enemy or any strange Indians, and to attend all such instructions & orders as they shall, from time to time, receave from this Court or the council in the pursuance of the ends aforesajd.

*This Court, hauing taken into their consideration the great & dayly growng charge of the present warr against the Indians, & the absolute necessity that there is of a further supply & recruite of armes & amũition for the seruice of the country, and hauing also p̃ticularly considered the present state & abilitie of the seuerall townes & plantacons in this jurisdiction, doe hereby order & enact, that, for the defraying of the charges aboue sajd, there shall be levyed seuen single country rates, and that the single rate of each town shall be as is herevnder written, three of the sajd rates to be payd at or before the last of Nouember next, & the other fower rates at or before the last of March next; the prizes of all sorts of corne payd in the sajd rates to be as followeth: i. e., wheat at six shillings, rye at fower shilling six penc, barley and pease at fower shillings, Indian at three shillings six penc, oates at two shillings p bushell, and that the sajd leuy be deliuered to the Tresurer w^{thout} charge to the country, and such as make payment in mony to be abated one fowerth part.

Major Suffolke ordered to furnish Punckepaug Indians wth 20 men to preserv their fort & to range y^e woods.

[*53.]

Order for 7 country rates. Price of corne to be p^d in; if in mony $\frac{1}{4}$ abated.

The seŭll townes proportions.

Suff.	613	6	11
Esse.	474	10	11
Mds.	465	8	6
	<hr/>		
	1553	5	4

1675.	Boston,	300 ^h 00 ^s 00	Salem,	100 00 00	Charlstonne,	180 00 00
13 October.	Dorchester,	040 00 00	Lynne,	034 00 00	WaterToune,	045 00 00
	Roxbury,	30 00 00	Ipsuich,	070 00 00	Cambridge,	042 02 00
	Weymouth,	025 9 4	Neubery,	060 00 00	Concord,	033 19 10
	Hingham,	030 00 00	Rouley,	036 00 00	Sudbury,	020 00 00
	Dedham,	028 2 7	Andiver,	020 00 00	Lancaster,	011 16 00
	Braintry,	025 00 00	Marblehead,	018 00 00	Wooborne,	025 18 1
	Hull,	010 00 00	Glocester,	009 09 00	Marlborow,	017 13 00
	Meadfeild,	027 11 3	Wenham,	005 00 00	Chelmsford,	014 18 00
	Milton,	015 00 00	Topsfeild,	012 00 00	Maulden,	015 10 5
	Hauerill,	018 00 00	Bradford,	008 13 00	Billirica,	014 07 00
	Hampton,	028 00 00	Manchester,	002 00 00	Meadford,	005 00 00
	Salisbury,	022 00 00	Beverly,	016 00 00	Groaten,	011 10 00
	Exeter,	008 08 00	Springfeild,	026 05 05	Fremingham,	001 00 00
	Amesbury,	005 15 09	Northampton,	022 02 10	Westfeild,	011 16 00
			Hadley,	018 10 9	Hattfeild,	008 12 00
			Redding,	016 09 11	Mendham,	006 06 2
		613 06 11				
				474 10 11		465 8 6

Treasurer to issue out warr^{ts} accordingly.

And the Treasurer of the country is hereby required accordingly to issue forth warrants to the constables of the seuerall townes, who, together wth the selectmen of the place, are required to levy the said rates vpon the inhabitants, that they may be duely payd, as is aboue said.

Jⁿ Danforth
left, James
Kidder ensign,
to Billirica
foot compa.

It is ordered, that Jonathan Danforth, of Billirica, be leften^{nt} to the ffoote company there, & James Kydder be ensigne to the said company.

[*54.]

Courts order as
to hearing of
Mr Bellingham
case.

*The case depending between the ouerseers of the late honored Go^uno^r Bellinghams will & Mr Richard Wharton, the Court judgeth it meete the hearing thereof be waved this sessions, & referred to the next Court of Election, (the publicke affayres of the country being at present more necessary to be attended,) and the same to be heard the 3^d day of the second weeke of the said sessions, & the partjes conuened to haue legall warning for their appearance accordingly.

Committee to examine 3 Naticke Indians
& giue an a.co^t.

Vpon information given to this Court of three Indians of Naticke that are seperated from the rest of the Indians there, and now resyding wth Henry Lealands, of Sherburne, wthdrawing themselues as suspecting those Indians to haue some designe against the English, the Court doeth order & heereby appoint Mr Willjam Avery, Ensigne Thomas Fuller, & Serjant Ellis, forthwith to convent the said three Indians before them, & strictly to examine them as to

what they know in y^t matter, and make speedy returne to this Court or counsil of what they finde therein.

1675.

It is ordered, that all the Naticke Indians be forthwith sent for, & disposed of to Deare Island, as the place appointed for their present abode.

13 October.

It is ordered, that there be two men appointed by the major gen^l, or, in his absence, by the cheife comānder in the toune of Ipsuich during this dangerous warr, to be a guard to the Deputy Gou^{no}s house, that is so remote from neighbours, & he so much necessitated to be on the countrys service.

Natick Indians order to Deare Island.
2 men appointed to be a guard to y^e Dep^t Gou^{no}rs house.

This Court, being informed of the care & paynes of the Reuēd M^r Vrjan Oakes, præsidant of Harvard Colledge, in carrying on that worke at the former motion & request of this Court, doe order thankes be returned to the sajd præsidant in that respect, and that he be desired by this Court to continue his labours as præsidant of the sajd colledge, which hath binn, by the blessing of God, of so great advantage, Major Geill Denison, Cap^t Jn^o Richards, Cap^t Lawrenc Hamond, & M^r Dudley being chosen for the ends aboue exprest.

Committee to returne y^e president the Courts thanks, &c.

Whereas the Waymesitt Indians are vehemently suspected to be actors & consentors to the burning of a haystacke at Chelmsford, this Court judgeth it meet that such Englishmen as cann inform or give euidence in the case be forth with sent for, and *also those Indians now at Charls Toune, and the case to be heard by this Court, then & there to consider & conclude what wth the sajd Indians.

Waymesitt Indians to be heard.

[*55.]

Vpon the sad intelligenc from Saco, & the great danger of all those parts, it is ordered, that there be 50 souldiers imēdiately from Boston & Charls Toune sent away in some vessel or vessells for the releife of those parts, & that they be vnder the comānd of Leiftenn^t Scottaway, and that Major Clarke take care that this order be effected as to the dispatch of the men, & furnishing affnition & prouission for the voyage.

Order to send 50 men to the eastern parts.

Cap^t James Oliuer & M^r Thomas Bratle hauing lately seized eight barrells of powder w^{ch} was exporting out of this jurisdiction, & craving that they may haue the one half of the sajd powder so seized, according to the lawe, w^{ch} the Court judgeth it meet to allow them; and doe further order, that they, the sajd James Oliuer & Thomas Bratle, shall and hereby are impowred from time to tyme, & either of them, to search all persons & vessells that are, or any way shall be, suspitious to them to be breakers of the sajd law, & they to haue the benefitt arising by seizure of any powder; and also that they be vnder an oath for the faithfull pformance of their dutjes herein.

Order for Cap^t Oliuer & Le^t Bratle to be searchers for powder, &c.

All English people must take notice that Willjam Nahauton & John Hunter haue liberty granted to passe & repasse betweene Puncapaug & the place assigned to them neere Joseph Belchars, for the conveiance of their

Liberty granted to W^m Aha-ton & Jn^o Hunter.

1675.

13 October.

goods, and all the English are required not to molest them, or any in their travailes betwene the said places, but to be helpfull & assistant to them in this their ordered remoove, provided it be within one weekes time they so remoove.

Major Gen^l to
secure y^e Indi-
ans at Wame-
sicke.

W^m Hawkins,
Indian, to be
sold & sent
away.

Mannapaugh
& Mannsett to
be sent away.

It is ordered, that the major generall forthwith take order to secure the Indians at Wamesicke, & about Chelmsford.

Vpon the Courts hearing the evidences produced against W^m Haukins, Indian, as to the firing the haystacke at Chelmsford, sentenct him to be sent away by the Treasurer.

Two Indians, one an old man named Mannapaugh, & Mannanesit, a young man, his sonn, pretending themselves to belong to Vncas, being found at Chelmsford, where the haystacke was fired, giving no reason of their coming & staying here, was judged to be spyes, and ordered to be sent away by the Treasurer.

Ans^r to War-
ner & Parsons
peti^o. for pay-
mt for catle.

In answer to the petition of Samuel Warner & Thomas Parsons, the Court judgeth it meete to allow Sam^l Warner eight pounds for two oxen, & four pounds for other catle, in all twelve pounds, & Thomas Parsons to be allowed for his catle, to be paid by the County Treasurer.

This Court is adjourned to y^e 3^d of November, at one of the clocke.

[Page *56 and a part of page *57 of the original are blank.]

[*57.] **Att an Adjournment of the Gen^l Court of October, held at Boston, the 3^d of November, 1675.*

3 November.

PRESENT, Jn ^o Leueret, Esq ^r , Go ^v ,	
Sam ^l Symonds, Esq ^r , Dep ^t Go ^v .	
Symon Bradstreet,	} Esq ^{rs} .
Daniel Gookin,	
Daniel Denisson,	
Richard Russell,	
Th ^o Danforth,	
W ^m Hathorne,	
Edw ^d Tyng,	
W ^m Stoughton,	
Th ^o Clarke,	

The deputys were y^e same at y^e Court as at y^e last.

WHEREAS the most wise & holy God, for seuerall yeares past, hath not only warned us by his word, but chastized us wth his rods, inflicting vpon vs many generall (though lesser) judgments, but we haue neither heard the word nor rod as wee ought, so as to be effectually humbled for our sinns to repent of them, reforme, and amend our wayes; hence it is the righteous God hath heightened our calamity, and given comission to the barbarous heathen to rise vp against us, and to become a smart rod and seuerer scourge to us, in burning & depopulating seuerall hopefull plantations, murdering many of our people of all sorts, and seeming as it were to cast us off, and putting us to shame, and not going forth wth our armjes, heereby speaking aloud to us to search and try our wayes, and turne againe vnto the Lord our God, from whom wee have departed with a great backsliding.

1675.

3 November.
Provoking
evills.

1. The Court, apphending there is too great a neglect of discipline in the churches, and especially respecting those that are their children, through the non acknowledgment of them according to the order of the gospel; in watching ouer them, as well as chattechising of them, inquireing into their spirituall estates, that, being brought to take hold of the couenant, they may acknowledge & be acknowledged according to their relations to God & to his church, and their obligations to be the Lords, and to approoue themselues so to be by a suiteable profession & conuersation; and doe therefore solemnly reco^mend it vnto the respective elders and brethren of the seuerall churches throughout this jurisdiction to take effectuall course for reformation herein.

Care of children
of y^r church
commended to
y^r elders.

*2. Whereas there is manifest pride openly appearing amongst us in that long haire, like weomens haire, is worne by some men, either their oune or others haire made into perewiggs, and by some weomen wearing borders of hajre, and their cutting, curling, & imodest laying out their haire, which practise doeth prevayle & increase, especially amongst the younger sort, —

[*58.]

Courts sence
of the ill cus-
tome of long
haire, perre-
uigs, &c.

This Court doeth declare against this ill custome as offenciuie to them, and diuers sober christians amongst us, and therefore doe hereby exhort and advise all persons to vse moderation in this respect; and further, doe impower all grand jurjes to present to the County Court such persons, whither male or female, whom they shall judge to exceede in the premisses; and the County Courts are hereby authorized to proceed against such delinquents either by admonition, fine, or correction, according to their good discretion.

3. Notwthstanding the wholesome lawes already made by this Court for restreyning excesse in apparrell, yet through corruption in many, and neglect of due execution of those lawes, the euill of pride in apparrell, both for costliness in the poorer sort, & vajne, new, strainge fashions, both in poore & rich, wth naked breasts and armes, or, as it were, pinioned wth the addition of

Excesse in ap-
parell.

1675. superstitious ribbons both on hajre & apparrell; for redresse whereof, it is ordered by this Court, that the County Courts, from time to time, doe giue strict charge to present all such persons as they shall judge to exceede in that kinde, and if the grand jury shall neglect theire duty herein, the County Court shall impose a fine vpon them at their discretion.

3 November.

And it is further ordered, that the County Court, single magistrate, Comissioners Court in Boston, haue heereby power to sumon all such persons so offending before them, and for the first offence to admonish them, and for each offence of that kinde afterwards to impose a fine of tenn shillings vpon them, or, if vnable to pay, to inflict such punishment as shall be by them thought most suiteable to the nature of the offence; and the same judges aboue named are heereby impowred to judge of and execute the lawes already extant against such excesse.

Penalty for Quakers meetings 5th.

[*59.]

Whereas it may be found amongst us, that mens thresholds are sett vp by Gods thresholds, and mans posts besides Gods posts, especially in the open meetings of Quakers, whose damnable haeresies, abominable idolatrys, are hereby promoted, embraced, and practised, to the scandall *of religion, hazard of souls, and provocation of divine jealousy against this people, for prevention & reformation whereof, it is ordered by this Court and the authority thereof, that euery person found at a Quakers meeting shall be apphended, ex officio, by the constable, and by warrant from a magistrate or comissioner shall be committed to the house of correction, and there to haue the discipline of the house applied to them, and to be kept to worke, wth bread & water, for three days, and then released, or else shall pay five pounds in money as a fine to the county for such offence; and all constables neglecting their duty in not faithfully executing this order shall incurr the penalty of four pounds, vpon conviction, one third whereof to the informer.

Penalty for importation of Quakers 20th.

And touching the law of importation of Quakers, that it may be more strictly executed, and none transgressing to escape punishment, —

It is heereby ordered, that the penalty to that law averred be in no case abated to lesse than twenty pounds.

To prevent profanes in the meeting house.

5. Whereas there is so much profanes amongst us in persons turning their backs vpon the publick worship before it be finished and the blessing pronounced, —

It is ordered by this Court, that the officers of the churches, or selectmen, shall take care to prevent such disorders, by appointing persons to shutt the meeting house doores, or any other meete way to attajne the end.

6. Whereas there is much disorder & rudenes in youth in many congregations in time of the worship of God, whereby sin & prophanness is greatly increased, for reformation whereof, —

It is ordered by this Court, that the select men doe appoint such place or places in the meeting house for children or youth to sit in where they may be most together and in publick vejw, and that the officers of the churches, or selectmen, doe appoint some graue & sober person or persons to take a particuller care of and inspection ouer them, who are heereby required to present a list of the names of such, who, by their oune observance or the information of others, shallbe found delinquent, to the next magistrate or Court, who are impowred for the first offence to admonish them, for the second offence to impose a fine of fīue shillings on their parents or gouernno's, or order the children to be whipt, and if incorrigible, to be whipt wth ten stripes, or sent to the house of correction for three dayes.

1675.

3 November.

Youth to be watcht off in y^e meeting house.

If rude there, to be admonisht or be whipt, &c

*7. Whereas the name of God is prophaned by comōn swearing and cursing in ordinary comūication, which is a sin that growes amongst us, and many heare such oathes and curses, and conceales the same from authority, for reformation whereof, it is ordered by this Court, that the lawes already in force against this sin be vigorously prosecuted; and, as addition therevnto, it is further ordered, that all such persons who shall at any time heare prophane oathes and curses spoken by any person or persons, and shall neglect to disclose the same to some magistrate, comīssioner, or constable, such persons shall incur the same pœnalty provided in that law against swearers.

[*60.]

To prevent oathes & curses.

8. Whereas the shamefull and scandelous sin of excessive drinking, tipling, & company keeping in tavernes, &c, ordinarys, grows vpon us, for reformation whereof, —

It is comēded to the care of the respective County Courts not to license any more publick houses then are absolutely necessary in any toune, and to take care that none be licenst but persons of approved sobriety and fidelity to law and good order; and that licensed houses be regulated in their improovement for the refreshing & eñteinment of travajlers & strangers only, and all toune dwellers are heereby strictly enjoyned & required to forbear spending their time or estates in such comōn houses of enterteynment, to drinke & tiple, vpon pœnalty of fīue shillings for euery offence, or, if poore, to be whipt, at the discretion of the judge, not exceeding fīue stripes; and euery ordinary keeper, permitting persons to transgress as aboue sajd, shall incur the pœnalty of fīue shillings for each offence in that kinde; and any magistrate, comīssioner, or selectmen are impowred & required vigorously to putt the aboue-sajd law in execution.

Order to prevent tipling in ordinarys by toune dwellers on pœnalty 5^s.Like pœnalty on inkeepers y^t suffer such tipling.

And, further, it is ordered, that all private, unlicensed houses of enterteinment be diligently searched out, and the pœnalty of this law strictly imposed; and that all such houses may be the better discouered, the select-

Inspectors of this law to be observed.

1675.

3 November.

[*61.]

men of euery toun shall choose some sober and discreete persons, to be authorized from the County Court, each of whom shall take the charge of ten or twelue familes of his neighbourhood, and shall diligently inspect them, and p̄sent the names of such persons so transgressing to the magistrate, com̄issioners, or selectmen of the toun, who shall returne the same to be proceeded wth by the next County Court as the law directs; and the persons so chosen and authorized, and attending theire duty *ffaithfully therein, shall haue one third of the fines allowed them; but, if neglect of their duty, and shall be so judged by authority, they shall incurr the same p̄nalty provided against vnlicensed houses.

Courts fear of
the breach of y^e
5 com^dme.

9. Whereas there is a wofull breach of the fifth comandment to be found amongst us, in contempt of authority, civil, ecclesiasticall, and domesticall, this Court doeth declare, that sin is highly provoaking to the Lord, aġinst which he hath borne seuerest testimony in his word, especially in that remarkeable judgments vpon Chorah and his company, and therefore doe strictly require & comand all persons vnder this goũment to reforme so great an evil, least God from heauen punish offenders heerin by some remarkeable judgments. And it is further ordered, that all County Courts, magistrates, com̄ission's, selectmen, and grand juro's, according to theire seuerall capacitjes, doe take strict care that the lawes already made & provided in this case be duely executed, and particularly that evil of inferiours absenting themselves out of the familes wherevnto they belong in the night, and meeting with corrupt company wthout leaue, and against the minde & to the great greife of theire superiours, which euil practise is of a very perrillous nature, and the roote of much disorder.

Wth p̄nalty's
imposed on y^e
non observers
thereof, &c.

It is therefore ordered by this Court, that whateuer inferiour shall be legally convicted of such an euil practise, such persons shall be punished wth admonition for the first offence, wth fine not exceeding ten shillings, or whipping not exceeding fīue stripes, for all offences of like nature afterwards.

Order to pre-
uent the sin of
idleness.

10. Whereas the sin of idlenes (w^{ch} is *a sin of Sodom) doeth greatly increase, notwthstanding the wholesome lawes in force aġt the same, as an addition to that law, —

This Court doeth order, that the constable, wth such other person or persons whom the selectmen shall appoint, shall inspect particullar familes, and present a lyst of the names of all idle persons to the selectmen, who are heereby strictly required to proceed wth them as already the law directs, and in case of obstinacy, by charging the constable wth them, who shall convey them to some magistrate, by him to be com̄itted to the house of correction.

11. Whereas there is oppression in the midst of us, not only by such

shopkeepers and merchants who set excessive prizes on their goods, also by mechanicks but *also by mechanicks* and day labourers, who are dayly guilty of that euill, for redress whereoff, & as an addition to y^e law, title Oppression, itt is ordered by this Court, that any person that judgeth himself oppressed by shopkeepers or merchants in setting *excessive prizes on their goods, haue heereby liberty to make theire complaint to the grand juro's, or otherwise by petition to the County Court immediately, who shall send to the person accused, and if the Court, vpon examination, judge the person complayning injured, they shall cause the offendor to returne double the ouerplus, or more then the æquall price, to the injured person, and also impose a fine on the offendor's at the discretion of the Court; and if any person judge himself oppressed by mechanicks or day labourers, they may make complaint thereof to the selectmen of the toune, who if vpon the examination doe find such complaint just, hauing respect to the quality of the pay, and the length or shortnes of y^e day labour, they shall cause the offendor to make double restitution to the party injured, and pay a fine of double the value exceeding the due price.

1675.

3 November.
Order providing double restitution to be

[*62.]

made to y^e oppressed by shopkeepers, merchants, or day laborers, &c.

12. Whereas there is a loose & sinfull custome of going or riding from toune to toune, and that oft times men & weomen together, vpon pretence of going to lecture, but it appeares to be meerely to drinke & reuell in ordinaries & tavernes, which is in itself scandalous, and it is to be feared a notable meanes to debauch our youth and hazard the chastity of such as are draune forth therevnto, for prevention whereof, —

Order to prevent misspent of time in riotous riding abroad in companies, &c.

It is ordered by this Court, that all single persons who, meerly for their pleasure, take such journeyes, & frequent such ordinaries, shall be reputed and accounted riotous & unsobber persons, and of ill behauiour, and shall be lable to be summoned to appeare before any County Court, magistrate, or comissioner, & being thereof convicted, shall give bond & sufficient suretjes for the good behauiour in twenty pounds, and vpon refusall so to doe, shall be committed to prison for ten days, or pay a fine of forty shillings for each offence.

On penalty of good behauiour.

It is ordered by this Court, that euery toune in this jurisdiction shall provide, as an addition to their toune stocke of amunition, sixe hundred of flints for one hundred of lysted souldjers, and so proportionably for a lesser or greater number, to be constantly mainteyned & fitted for publick service.

Order regulating each toune to provide flints.

14. This Court, considering the great abuse & scandall that hath arisen by the license of trading houses wth the Indians, whereby drunkenes and other crimes haue binn, as it were, sold vnto them, —

It is ordered by this Court, that all such trading houses, from the publication hereof, shall wholly cease, and none to presume *to make any sale vnto them, except in open shops and townes where goods are sold vnto the English,

Trading houses wth the Indians to cease.

[*63.]

1675.

3 November.

2 watchmen to
the powder
mill.

Any two magis-
trates may im-
presse for publi
works.

Order for re-
leife of the dis-
tressed.

No Indians to
goe off y^e isl-
ands where
placed w^{thout}
leafe on paine
of death.

Lyke penalty
for such as
take or carry
off the Indians
w^{thout} leafe.

Treasurer to
provide for y^e In-
dians at Deare
Island.

vpon the pœnalty of ten pounds for euery conviction before lauffull authority, one third to the informers, the remainder to the country, any law, vsage, or custome to the cōfrary notwthstanding.

This Court, hauing ordered two watchmen from Dorchester and Milton to watch at Dorchester mill, and vnderstanding the vndertakers of the powder mill, for better defence thereof, are erecting a smale stone watch house at their oune charges, on their request, as being of publicke concernment, this Court declares, that the vndertakers of the powder mill may repaire to any one majestrate, who, by the law, are impowred to give warrant to impresse workmen to carry on publick works, of w^{ch} sort this is.

This Court, considering the inconvenience & damage that may arise to particullar townes by such as, being forced from their habitations through the present calamity of the warr, doe repaire vnto them for succour, doe order and declare, that such persons (being inhabitants of this jurisdiction) who are so forced from their habitations & repaire to other plantations for releife, shall not, by virtue of their residenc in sajd plantations they repaire vnto, be accounted or reputed inhabitants thereof, or imposed on them, according to law, title Poore; but in such case, and where necessity requires, (by reason of inability of relations, &c,) they shall be supplijed out of the publicke treasury; and that the selectmen of each tounce inspect this matter; and doe likewise carefullly provide, that such men or weomen may be so employed, and children disposed of, that, as much as may be, publick charge may be avoyed.

Whereas this Court haue, for weighty reasons, placed sundry Indians (that haue subjected to our goũm^t) vpon some islands for their and our security, —

It is ordered, that none of the sajd Indians shall presume to goe off the sajd islands voluntarily, vpon paine of death; and it shall be lauffull for the English to destroy those that they shall finde stragling off from the sajd places of their confinement, vnlesse taken of by order from authorjty, and vnder an English guard. And it is further ordered, that if any person or persons shall presume to take, steale, or carry away either man, woeman, or child of the sajd Indians, off from any the sajd islands where they are placed, w^{thout} order from the Generall Court or council, he or they shall be accounted breakers of the capitall law printed & published against man stealing; and this order to be forthwith posted and published.

The whole Court being mett, it is ordered, that the country Treasurer take care for y^e provision of those Indians that are sent doune to Deare Island, so as to pvent their perishing by any extremity that they may be put vnto for want of absolute necessities, and for that end he is to appoint meet psons to vissit them from time to time.

*The council, having ordered the select men in each toune to impresse men to help in the corne of such men that are impressed and absent from home, in the country service, but having fixed no rate how much per day shallbe allowed such labourers, —

1675.

3 November.

[*64.]

This Court doeth order, they shall be allowed one shilling six pence per day in pay, as the country rate is payd, provided it appeare they haue donn a sufficient dayes worke.

18^d pr day allowed to such as wrought for y^e souldjers.

This Court, considering the present state of affaires amongst us, in respecting the Indian warr, and what hinderance the same may be to the raying supplies of prouissions amongst ourselues, —

Wheat & flower phibbited importation, &c, suspended.

Judge meete that the law prohibiting importation of wheat, bisket, & flower, page 106, be suspended as to the particulars aboue mentioned, untill this Court take further order.

It is ordered by this Court, that the officers & servants of the colledge, or of any Court that are by law or custom exempted in their persons or estates from publick services and country rates, shallbe liable to be rated in in the levy made for the payment of debts for the present warr, and to serve in their oune persons, as their neighbours doe, in the toune where they dwell, provided the corporation of the colledge be excepted; and, likewise, that what is heereby advaunced to the countrey rate, care may be taken that it comes into the publick treasury, and not to the particullar toune advantage where such persons dwell.

Colledge officers to pay rates to y^e warr.

This Court, considering the great dainger of a famine, or at least a scarcity of bread and other prouissions, by reason of this warr, if the Lord gratically prevent not, —

Exportation of prouissions phibbited on penalty, &c.

Doe hereby strictly prohibit the exportation of all sorts of prouissions, (except fish & mackerell,) out of this jurisdiction vpon any pretence whatsoever, (victualling of ships or vessells excepted,) and Captaine James Olliuer and Leiuetenēt Thomas Bratle are appointed by this Court to inspect the same, and to make seizure of all such prouissions as shall be loaden contrary to this order for exportation, to be forfeited, one fowerth part to the persons seizing, the remainder to the vse of the country; & this order to stand in force till the Generall Court or council shall see just cause to revoake it, provided the council may giue liberty to any person if they see cause.

Cap^t Ollifi & Le^t Bratle to inspect y^e order.

It is ordered, that all such persons that haue already quitted their habitations at Mendon, & doe not forthwith returne, or shall heereafter leaue their habitations, licence not being first obteyned from the Generall Court or council, they shall forfeite their interest in that place to the country for the defraying of the charge of the garrison souldiers.

Inhabitants of Mendon not to quitt their habitations on penalty.

1675.

3 November.

[*65.]

Accom^d for disbursm^t of armes, horses, &c, to be settled by committee of militia in each tounce.

Prevention of charg on transportation of rates, &c.

Order for securing of the grayne that is inned.

Anst^r to Roads, Judson, &c, petition, their liues granted in case, &c.

Y^e Naragans^t fayleuer commended to y^e commiss^r of y^e 9^d colonjes for an expedient, &c.

*It is ordered, that the committees of militia in the seuerall tounes shall heare, determine, & settle the whole accounts of the seuerall tounes respecting all disbursments of armes, aminition, horses, furniture, prouissions, &c, not exceeding three pounds for a horse, and as neare as may be proportioning the accounts of disbursments, whose bills to the Treasurer or committee of that affayre shall be payd when the assessments are come in, rayseed vpon that account.

For prevention of the charge and trouble of transportation of the rates to be leyved to the Tresurer of the country, as also matter of conveniency therein appearing, —

It is ordered, that bills for wages, horses, prouissions, &c, being regularly passed to the said Treasurer, the Treasurer, vpon the desire of persons concerned, shall repasse bills to the constables of such tounes where sumis are due vpon the aforesajd accounts.

Forasmuch as the preservation of the grajne, both Indian & English, in this colony is of great necessity, and the scittuation of our inhabitants in the seuerall tounes being in so scattering and remote a condition as that there can be no security from the ennemy of the grajne inned in the barnes of the seuerall inhabitants, —

It is ordered by this Court, that there be effectuell care forthwth taken by the seuerall militias and selectmen of the tounes for the securing the said grajne, by remooving it wthin the comand of the garrison or garrisons of the respective tounes, so as that the ennemy may not be able at pleasure to destroy it, or furnish themselves with it.

Whereas John Roads, Peeter Grant, & Randolph Judson, condemned malefacto^rs, now in prison, haue petitioned this Court for pardon of their liues, & formerly for exchange of sentence, the Court, hauing considered their petitions, and duely weighing their notorious crimes, cannot consent to pardon their liues, vnlesse they willingly, and of their oune [^], and procure some person or persons that shall give sufficient security to pay their prison charges, & to export them out of the country to some of the English plantations, & there to serve seven yeares, and not to returne to this jurisdiction, vpon paine of death, wthout license from this Court or the council, or otherwise warrant to issue forth by the secretary for their execution by the last of December next.

This Court, considering the feyleur of the Narrigansets in performing their couenants, as also the representation made by Capt Apleton of the slow progresse made against the ennemy at Hadley, occasioned by the non attendance of our freinds of Connecticott to the orders of the commissiⁿers, & the expectation of this Court, doe therefore commend the pmisses to the present

consideration of the comissioners of the colonjes, that they forthwith provide, or at least propose, some meet & suiteable expedient to prevent the mischeefe that ensue vpon such miscarriages & neglect.

1675.

3 November.

*Wee, the comittee of the Generall Court, mett at Salem, hauing given free & publicke liberty for each party to expresse themselues in the matters of their p̄sent differences vnto a full hearing of the case comitted to us, cannot but first manifest our deepe & sorrowfull sence of the sinfull causes, sad comitants, & fruites of that vnbrotherly distance of affection & spirit of contention which hath binn too long prevailling in the church & inhabitants heere. More especially wee haue observed, to our great greife, how much advantage Sathan is getting by those strainge & sinfull animositjes, & highly reflecting, provoaking carriages & expressions that haue passed betweene those who are cheife in this place, whose disvnion in no wise consist with the flourishing & much to be desired efficacy & beauty of civell & sacred ordenances amongst this people, all w^{ch} wee doe solemnly beare our testimony against.

[*66.]

June 10, 1675.
Comittees re-
turne.

And that wee may further attend the errand about which wee are sent, and in some measure (as God shall be pleased to give successe) attayne the great end aymed at by the honored Court, wee declare and advize as followeth:—

1st. Wee declare the course & way that hath been attended in the calling and setting of M^r Nicholet as a preacher, by a promiscuous vote of the toune, is very irregular, expressly contrary to the knowne wholesome lawes of this jurisdiction, & of a very daingerous tendency & influence as to the state & order of the churches here established, and alike irregular & of evill consequence, wee declare the generall voting of such inhabitants in toune affaires, who are not expressly qualified so to vote by law.

As an expedient for the recouery & setlement of the peace & order of this place, wee advise & direct they do seriously endeavor a mutuall agreement to walke together in love, and to that end that the whole church and toune meete together in a day of publicke humilliation, to be sett apart to that end, and that the worke of the day be carried on by the reuerend pastor, M^r Higginson, & M^r Nicholett, that the whole assembly may humble themselves before God for past irregularitjes, & seeke reconciliation wth him and one wth another; and so the worke of publicke preaching for the future to be carryed on joyntly by M^r Higginson & M^r Nicholett, as before, that so the whole people maybe in a way of mutual accord; and when there shallbe need of issuing forth into another congregation, so weighty a worke may be

Their counsell
& advise as to
healing of y^e
differences at
Salem.

1675. donn wth mutuall love & sattisfaction, and according to the rules of Gods word, & the lawes here established.

3 November.

Signed,

JOHN LEUERET, Gov^r,
SAMUEL SYMONDS, Dep^t Gov^r,
EDWARD TYNG,
WILLJAM STOUGHTON,
JOHN RICHARDS,
PETER BULKELEY,
HUGH MASON,
JOSEPH DUDLEY,
DANIEL FISHER,
JOHN WAJTES.

Nov: 3, 1675.

The Court approoves of this retorne of the comitte, and gives the comitte hearty thanks for their paines, and advise the partjes concerned to attend the council therein given.

As attest

EDW: RAWSON, Secre^t.

[*67.]

Ans^r to Cap^t
Corwins peti-
tion.

*In ans^r to the peti^{ti}on of Cap^t George Corwin, the Court ordered a hearing of the case therein mentioned.

The partjes appearing before the Court, Cap^t Corwin & Stephen Haskett,

Hasket sen-
tencet to make
acknowledgn^t
as to Cap^t Cor-
wins vindica-
tio.

The Court, considering the high reflection & scurrilous imputations cast vpon Cap^t Georg Corwin, joyned with notorious scandall rayseed vpon said Court, & contemptuous expressions relateing to the majo^r geñll, doe adjudge the said Haskett, vpon some lecture day at Salem, at the appointment of the comitte of militia there, & to their sattisfaction, to make an acknouledgment in the vindication of the said Captaine Corwin, and also to pay, as a fine to the country, the summe of fiuety pounds, and that he stands comitted till the said fine be dischargd, or security given for the payment thereof.

& fined 50^{li} to
y^e country.

Wannalausets
2 Indians in
statu quo.

Whereas two Indians, that came in from Wannalauset, vpon a safe conduct from the council, haue, through some mistake, been sentenced by this Court to be sold, which now appearing, it is ordered, that the said sentence be reversed, & that they be otherwise disposed of for their oune and the countrys security. The names of the Indians are Monnipaugh & Mannassett. And although the said persons should be sold, yet the keeper shall not deliuer them without order of this Court or council.

It is ordered, that Richard Norman be ensigne to the ffoote company at Marblehead.

1675.

In answer to the humble petition of Stephen Hasket, humbly desiring the favor of this Court to remitt or abate his fine, the Court judgeth it meet to abate his fine to twenty pounds.

3 November.
Rich^d Norman
ensign to foot
compa. at Mar
blehead.

It is ordered, that the major of Suffolke forthwith order out of his regiment eighteen able souldjers, well fitted, armed, & furnished with am̃ition & provision for ten dayes, to be sent away wth all speed, vnder the conduct of a fitt person to make a leifteñt, and these souldjers are to recruit Cap^t Hinchmans company, & search out for the ennemy about Hassanemesit.

Major of Suffolke to send forth 18 souldjers to search out the ennemy.

It is ordered, that the County Court of Suffolke be adjourned till the morrow fortnight, being 22th inst.

County Court of Suffolks adjourned.

The whole Court mett together voted, that the choyce of the com̃issioners of the United Colonjes of Josiah Winslow, Esq^r, Go^vñr of Plymouth, to be generall & com̃ander in cheif of all the forces rayed by all the colonjes against this treacherous & com̃on ennemy of the Indians, is very acceptable & gratefull to them, and that he haue notice given him accordingly of this Courts acceptance of him to y^t service.

Josiah Winslow, Esq^r, Gov. of Plymouth, gen^l of all y^e united forces.
12 No.
To goe forth 12 Dec^r next.

Cap^t Hubbard, Cap^t Olliuer, Cap^t Isā Johnson, Cap^t Nath Davenport, Cap^t Joseph Gardiner, for the ffoote, & Cap^t Thō Prentice for the troope of horse, are appointed to be the captaines to be employed in y^e service.

The 6 captaines in y^e service, Cap^t Mosely instead of Cap^t Hubbard.

*The Court wrote & sent a letter to Cap^t Hinchman, & is on file.

[*68.]

A day of solemn humilliation appointed & sett apart by y^e Court, to be on 2^d of December next, for the imploring Gods speciall grace & favor to appeare for his poore people, &c.

12 Nov.
Courts ans^r to Cap^t Hinchmⁿ.
Vide file.

It is ordered, that Cap^t Scyll, wth his company, take recruit at Marlborow, & forthuith march to Hassanemesit, & endeavor to joyne wth Cap^t Hinchman to pursue the ennemy, w^{ch} wee heare lirketh thereabouts, & hath lately repelled some of Cap^t Hinchmans men at Hassanemesit, & slayne his leifteñt & one English man more; and after Cap^t Scylls conjunction wth Cap^t Hinchman, he & his company shallbe at the com̃and of Cap^t Hinchman, as com̃ander in cheife of that party, & that a copy of this order be im̃ediately posted away to Cap^t Scyll.

2^d Dec. to be a day of humilliation. Sent to y^e presse.
Cap^t Scyll im̃ediately to march & joyne wth Cap^t Hinchman, &c.

It is ordered, that the com̃ittee for the warr forthuith send to Cap^t Hinchman at Mendon a supply of those necessarys for his souldjers that he writes for, w^{ch} y^e secretary is to transcribe out of his letter, & deliuer the com̃ittee.

Prouissions or derd to Cap^t Hinchman.

In ans^r to the petition of Major Symon Willard, or his narrative, the Court, in consideration of his service therein expressed, doe grant him tenn pounds as a recompence for the same.

Major Willards recompence, 10^l.

1675.

12 November.

It is ordered by this Court, that Mr Anthony Stoddard shall deliuer vnto Cap^t Joshua Hubbard two carbines, or two such other gunns as he shall choose, out of the country stocke of armes, in order to his preparation for this expedition, for himself & leiuets^m.

1675-6.

21 February.

[*69.]

**Att a Special Generall Court, called by the Gouno^r, & held at Boston, 21th February, 1675.*

PRESENT, Jn^o Leueret, Esq^r, Gou,
Saff Symonds, Dep^t Gō.
Symon Bradstreet,
Daniel Gookin,
Daniel Denison,
Symon Willard,
Rich^d Russell,
Thō Danforth,
W^m Hawthorn,
Edw^d Tyng,
W^m Stoughton,
Thō Clarke,

Esq^rs.

The deputjes of y^e Court returned were, —

Mr Peeter Bulkley, Speak^r.

WHEREAS the law, title Military, sect 11, enjoynes that no major of any regiment shall march with his regiment out of the county wherein he hath comānd, nor cause any part thereof so to doe, wthout order from the Generall Court, council, or major generall, except it be in pursuite of the ennemy vpon a rout, this Court doeth order, that during these warrs, & till this Court take further order, it shallbe in the liberty of the major of each county, or any inferiour comission officer who hath comānd of any company or party of men, to goe out of their oune proper county for engaging, pursuing, or destroying the ennemy, so as they act not contrary to p^ticular order from superior officer or authority.

Whereas, by a late order, the troopers were made liable to be impressed by foote souldiers at such times as it was supposed there would be litle vse

of them against the Indians, who are found by experience to be very serviceable & necessary, & haue binn employed in a full proportion to the floote, it is hereby ordered, that that part of the order concerning troopers be repealed.

1675-6.

21 February.

Whereas the present warr wth the Indians hath so farr exhausted the country treasury, that there is not a sufficiency to prosecute the sajd warr to effect; for the encouragement of such gent^l merchants, or any other person or persons, that are able & willing to disburse & send to the publicke, it is hereby declared, that the Generall Court of this colony shall from time to time, and at all times, stand firmly obliged for the repayment of all & euery summe or summes disbursed & lent for the vse of the publicque, as abouesajd, and the receipt of the same, being given vnder the hand & seale of the Treasurer of the country, or his successors, shallbe sufficient and vallyd prooffe of the sajd disburs; and for further security to those that shall disburse, as aboue sajd, this Court doeth also obleige vnto them all publicque & comon lands wthin this jurisdiction, and all the interest that this colony hath, may, or ought to haue, in any conquered lands in any other jurisdiction, so as that no part of these lands shallbe granted, given, or otherwise disposed of, (saue for the payment of debts that shall be contrated as aboue,) vntill the sajd debts be fully payd.

And further, the whole Court voted, that the Treasurer is heereby to contract & agree wth those that lend mony, as to the time & interest for it.

Whereas there are complaints that such persons who lyst themselves voluntiers in the countryes service doe esteeme themselves from vnder the comānd which is necessary for the security of the country, it is therefore ordered by this Court, that all such persons so listing themselves shall be subject to all such martiall lawes as are or maybe prouided for the well ordering of the forces of this jurisdiction.

Whereas there is observed a great neglect of the execution of the law lately made, title Guards & Garrison Souldjers, it is ordered by this Court, that the sajd law be carefully (by the comitte of the militias, who are heereby impowred in that respect, or cheefe officer of each toun) put in execution, & in particular that dayly care be taken that a considerable part of the souldiery, by turnes, in the seuerall parts of the respective tounes, be improoved in scouting & warding, to prevent the sculking & linking of the ennemy about the sajd tounes, & to giue tjmely notice of approaching dainger; & also, that the brush in highwayes & other places (judged necessary) be cutt vp, and that such persons, youths, &c, as are not in the roll of the trajne bands (except such as are in publicque place, exempted by law) be vnder obligation to

1675-6. attend command for that service, on penalty of five shillings p day for neglect. And it is further ordered, that the breaking vp of the watch be not till the rising of the sunn, at what time the scouts are to sett forth, and that no gun shall be then fired, on penalty of tenn shillings for each offence; these fines to be levied by the clarke of the band by warrant from the committee of militia or cheiffe officer, who, if they shallbe convicted of neglect of their duty concerning any of the premisses, they or he shall be fined tenn pounds to the publicke treasury.

[*70.]

Indians in rebellion encouraged to come in, &c.

*Whereas seuerall Indians that belong to the eastern parts that had wth-draune themselves haue lately come in & rendred themselves to mercy, & diuers others are dayly expected in, concerning whom no effectuall course for their disposall is yet taken, this Court doth appoynt & authorize Majo^r Richard Walderne, Majo^r & Nicholas Shapleigh, to be a committee for this affajre, who haue power heereby granted them to vse their best endeavors, as they may haue oppertunity, to treat wth the Indians of those parts, and, if they can vpon honourable & secure termes, to procure a peace betweene them & the English, and in that case shew such favour as may be a rationall furtherance to such a desireable end; and if such a peace cannot be settled, then it is left wth this committee to dispose of those Indians already come in, or that may be brought into their hands, by shipping them off or otherwise, whereby damage from them may be prevented.

It is ordered, that the honoured council vse vtmost endeavours, wth promise of such reward as they judge meet, to obtaine the Mohegin^s & Pecquotts, & Ninicrafts Indians to cutt off the Indians in present hostillity, or otherwise to invite them in, whither such as will deliuer vp their armes & relinquish the sachems engaged in warr against us.

Vppon consideration of many sculking Indians about our plantations doing much mischeife & damage, & that a probable way for their surprizall is by scouting in smale partjes, for encouragement thereof, this Court doeth order, that euery person or persons that shall surprize, slay, or bring in prisoner any such Indian on the south side of Piscataqua Riuer, he or they shallbe allowed three pounds p head, or the prisoners so taken, making it appeare to the committee of militia of that toune to w^{ch} they are brought.

In prosecution of the last vote for sending out of men to Meadfeild, the Court judgeth it meet to order & appoint Majo^r Thomas Sauage command in cheiffe ouer all the sajd forces now at Meadfeild, or to be sent out thither, relating to the present expedition.

Itt is ordered, that the majo^r of Suffolke forthwith issue out his warrants for the impressing one hundred able souldjers, compleatly furnished wth

armes & amunition, to be put vnder the comānd of Major Thomas Sauage, for
y^e service of the country. 1675-6.

21 February.

In pursuance of the order of the comission^s for the Vnited Colonjes for the present expedition, it is ordered, that forty men be impressed foot souldiers, and trooper seventy two; to be raysed, in Essex thirty, Norfolke tenn, Three County Troope ten, Suffolke tenn, & Midlesex tenn, to be all fitted wth long armes, & the 40 foot souldiers to be raised, twenty out of Essex, twelve out of Suffolke, eight out of Midlesex; all w^{ch} will compleat those already raysed to the nomb^r of six hundred men.

It is ordered, that James Trowbridge, of Cambridge village, be leiftenānt to the ffoote company there.

Left^t Griffin Crafts, of Roxbury, request to laye downe his comission is granted, & Sarjant Samuel Ruggles is appointed to be leften^t to y^e company in Roxbury in his place.

It is ordered, that Left^t John Price & Ensigne John Higginson, leftenānt & ensigne to the late Cap^t Gardiners company, haue their comissions for those places forthwth.

It is ordered, that Rob^t Dutch & Joseph Mansfeld, damāged in their clothes and armes, as they make it appeare what it was to the comittee for the warr, shall haue allowance for the same, (by y^e fire at M^r Smiths).

*In answer to y^e peti^cōn of seuerall inhabitants of Milton, it is ordered, that all the inhabitants of Milton not on publicque service be required to attend their duty in that toune, perfecting the fortification that are appointed by the comittees of militia there, & y^t no person fitt for the deffence of the place to wthdraw themselues wthout liberty from this Court or the council first obteyned, on pœnalty of such suffering punishment as souldjers are liable vnto that wthdraw from their coulo^rs; & the comittee of militia are ordered to require those that are wthdraune to returne to their places againe.

[*71.]

Courts ans^r to
Miltons peti-
cōn.

In ans^r to the petition of John Griffyn, fferryman of Hauerill, for exemption from watching & warding in this troublesome time, y^t he may attend the countrys service by day & night, the Court grants his request.

Ferryman of
Hauerills ex-
emption, &c.

It is ordered, that Leifteñt Elias Styleman doe succeed Captaine Richard Cutts, deceased, in the comānd as captaine of the fort on the great island in Piscataqua Riuer.

Elias Styleman
cap^t of y^e fort
at Portsmouth.

It is ordered, on request of Cap^t Scyll, that the comittee for the warr doe forthwth send twenty pounds of tobacco & three gallons of rumē for the supply of the company that now resides at Lancaster.

Tobacco &
rumē for Cap^t
Scylls compa.

It is ordered, that six men more be added as a guard to the powder & grice mills at Naponset, in manner as in the former order is prouided.

Watchmen to
y^e powder mill,
according to
form^r order.

1675-6.

21 February.
A head quarters
to be built at
Quoboag.

A warrant was ordered to be issued out to y^e comitte for y^e army to send away y^e prouissions ordered to be at the head quarters at Marlborow by y^e last day of y^e weeke ; also, to send vp some liquo's & spice, wth a competency of canvas for a tent to shelter the prouissions & amunition, as also the carpenters tooles, nayles, &c, to build a quarter at Quoboag, or elswhere, wth was don.

Jame Brayden
comissary, & his
ord's.

Instructions for M^r James Brajden, appointed comissary for y^e army.

1. First, you are to speed away to Marlborow, & there to choose the fittest house yow cann finde to lodge the prouissions & amunitions that is sent vnto yow, & to cause it to be carefully secured & kept for the vse & service of the army as there shallbe occasion.

2. Yow are to declare to the cheefe comāder on the place that it is the Courts pleasure that he affoord yow a sufficient guard for the securing the magazine.

3. Yow are to take such assistance as may be necessary to performe the service comitted to yow, & to deliuer forth what is comitted to yow for the vse & service of the army, & keeping carefull & particular accounts of all matters, & yeilding obedience to such orders as yow shall receive from the comāder in cheife, or comitte for the warr, and give intelligence to the council or comitte for y^e army of all matters requisit for the publick service respecting yo^r place.

Order for Ma-
jor Sauage to
be on his
march.

The Court, vnderstanding that our confederates of Connecticot are vpon their march in order to a conjunction with our forces at the place appointed, doe order, that Majo^r Sauage, wth our proportion, shall advance wth all expedition towards them, the remajnder of our sixe hundred agreed vpon being ordered to defend the frontiers in the meane time.

25 Febr, 75.
Major Sauage
his comission.
His instruc-
tions are on
file.

The Court granted Majo^r Sauage his comission, and was : Whereas yow are appointed by the Generall Court comāder in cheife of all the forces that shallbe deliuered to yow at Marlborow for this present expedition against the ennemy, yow are heereby authorised to take vnder yo^r care & conduct the forces aforesajd, both horse & floote, comāding all officers & souldiers to obey yow as their comāder in cheife, whom yow are to improove, according to your best skill & ability, for our deffence & the distressing & destroying the ennemys, by all acts of hostility ; & this shall be yo^r warrant.

Jn^o Curtice a
guid to o^r fces
& 6 Indian
scouts.

This Court doe order Jn^o Curtice, of Roxbury, to be a guide to the forces now going forth, & he is impowred to take sixe Indians from the island for

his assistance, wth their armes, some of w^{ch} Indians may be improved for 1675-6.
spies as the comānder in cheife shall appoint.

In ans^r to the petition of Sañ Warner & Thomas Parsons, it is ordered, 25 February.
that they be paid w^t y^e last Court allowed them by the Tresurer of the Tresp^r to pay
country, according to the minde & intent of sajd order. Warner & Par
son.

*M^r Roulison not being disposed to accept of the motion of y^s Court to [*72.]
goe out wth the forces as preacher, it is ordered, that M^r Samuel Nowell be M^r Sam. Now
intreated to goe vpon that service, & that he be furnished wth such conven- ell preacher to
iencies as he shall stand in neede of for his encouragem^t. y^e army.

M^r Jn^o Clark is appointed chirurion for y^e service.

M^r Jn^o Clarke
chirurgeon.
Carpenter to
build head
quarters at
Quoboag.

Itt is ordered, that the comittee of the army procure either Jn^o Brewer,
of Sudbury, or Jn^o Coolidge, of Water Towne, to goe vp wth the army to build
a house or houses for lodging and shelter of prouissions, affiniton, & wounded
men, or other souldjers; also, to send carpenters tooles for six men, nayles of
all sorts, wth hookes & hinges for doores & locks, & of such sort as the cheife
carpenter shall appoint.

It is ordered, on request of Cap^t Jn^o Jacob, his house standing on the Cap^t Jacobs
passe betweene this colony & Plymouth be forthwith garrisoned, & such as are house to be
his nearest neighbours are to joyne therein. garrisoned, &c.

It is ordered, that Benjamin Gillam be leiftenānt, & Thomas Sauage en- Left & ensigne
signe, to Majo^r Sauage his company. to Major Sau-
age his compa-
ny.

It is ordered, that Cornet John Whiple be cap^t to the troope of horse Jn^o Whiple
now raysted, & Corporall W^m Bond leiu^t, in case he can be had; if not, it is cap^t of y^e
left to y^e cap^t to appoint one for that office. troope.

Majo^r Geñl Denison is ordered to repaire vnto Marlborow, there to order Major Gen^l
& dispose the souldi^rs vnder their seuerall captaines, according to the order of ord^r.
the Generall Court, taking care that those who goe forth be able & fitt for the In No. 330.
sajd march, & that the comissarys doe send along wth them the affinitions & pro-
uissions, and that the troopers, & so many of the foote souldiers as can be in a
readines, doe march away on the second day of the weeke, so as that they may
be at Quoboag on the third day, according to the aggreement of the comis-
sioners. The supernumerary souldiers are to be disposed for the garrisoning
of those frontie's townes as the majo^r geñll shall judg meet, excepting only
such as for just reason or bodily infirmity he shall dismiss, speciall respect
being had to the garrison at Marlborow. Sup^rnumerarys
left to his care,
&c.

Whereas it pleased y^e honoured council, on weighty reasons, to adjourne Order ab^t
the County Court, w^{ch} should haue binn kept at Hampton in October last, to Hampton
the 2^d Tuesday in Aprill next, which is the day of keeping Court at Salisbury Court to be
appointed by law, it is ordered, that this present yeare being a tyme of great kept at Salis-
bury.

1675-6. trouble & charge, that the Court appointed at Hampton the 2^d third day in Aprill next shall take cognizance of all matters, civill & criminall, proper to that county, and that the Court at Salisbury be passed by for this yeare, any law or custome to the contrary notwithstanding, provided that all attachments that haue been, or shall be, timely served for Hampton or Salisbury Court shall be of force at y^e said Hampton Court.

Capt^s & leif^t
comissions,
vide file.

Benja. Gibbs
to be cap^t of a
troope of horse
in case, &c

The Court granted comissions to capt^s & leif^ts of horse & ffoot. Copies are on file.

Whereas Cap^t Benjā Gibbs is comissionated for the service of the country as comānder of a troope of volunteires, it is ordered by this Court, that he & his troope shallbe quartered, at the charge of the country, in the seuerall townes in this jurisdiction, whither he shall march vpon the sajd service; and in case of want of horses, liberty is granted him to apply himself to the comittees of militia, or cheife officer of sajd towne, who haue hereby power granted them to make him convenient & necessary supply, provided it be only at such times as he shall be employed by the order of the Go^vno^r or councill in any speciall trust, or otherwise improoved by the comānder in cheife of our forces, his expences not exceeding the ordinary allowance.

Courts ord^r to
raise nine rates
in Yorks.

It is ordered, that the Tresurer of the country issue out his warrants to y^e seuerall selectmen of the seuerall townes in Yorkshire forthwth, according to law, to make & raise nine speciall country rates, as haue binn rayseed in y^e colony, for defraying of the charges of y^e warr, & the rates so rayseed to be speedily collected & paid to y^e Tresurer of y^e county, w^{ch} y^e Tresurer of y^e country shall apoint

Courts ord^r to
rayse 9 rates in
Douer & Ports-
mouth.

It is ordered, that the comittees of militia in the townes & county of Douer & Portsmouth shall & hereby are required & impowred to make nine seuerall rates on the inhabitants thereof, according to law, towards the responding the charges of the warr, to be collected & speedily paid in to the Tresurer of that county, to ans^r the end of the sajd comittees, & be disposed of accordingly; and the comittees of militias are by themselues, or their order, to audit all accompts of the charges expended in this warr.

This Court is dissolved.

**Att a Generall Court of Election, held at Boston, the 3^d of May, 1676.*

3 May.

[*73.]

JN^o LEUERET, Esq^r, was chosen Goũno^r for the yeare ensuing, & tooke his oath.

Saĩ Symonds, Esq^r, Dep^t Goũno^r, & tooke his oath.

Symon Bradstreet was chosen Assistant, Esq^r, tooke his oath.

Daniel Denison, Esq^r, Assistant & Majo^r Generall, tooke his oaths.

Richard Russell, Esq^r, was chosen Assistant & Tresurer, & tooke the oaths.

Thomas Danforth, Assistant, & 1st Coĩmission^r of the colonys, Esq^r.

W^m Hathorne, Assistant, Esq^r, tooke his oath.

Jn^o Pynchon, Assistant, Esq^r.

Edward Tyng, Assistant, Esq^r.

W^m Stoughton, Assistant, & 2^d Coĩmission^r for y^e colonjes, Esq^r.

Thomas Clark, Assistant, Esq^r.

Joseph Dudley, Assistant, Esq^r.

Edward Rawson was chosen Secretary, & tooke his oath.

Cap^t George Corwin, M^r Heñ Bartholmew, Salem.

Cap^t Lawrenc Hamond, M^r Thomas Graues, Charls Towne.

Cap^t Hopestil Foster, Left Jn^o Capen, Dorches^r.

M^r Anthony Stoddard, Cap^t Th^o Clarke, Boston.

M^r W^m Parkes, Roxbury.

Cap^t Hugh Mason, Water Toune.

M^r Edward Oakes, M^r Joseph Cooke, Cambridge.

Ensⁱ Jn^o Fuller, Lynn.

Majo^r Saĩ Apleton, M^r W^m Goodhue, Ipswich.

M^r Saĩ Plumer, Newbery.

M^r Thomas Dyer, Weymouth.

M^r Nath Beales, Hingham.

M^r Peter Bulkley, Concord.

Cap^t Daniel Fisher, Dedham.

M^r Saĩ Dalton, Hampton.

Cap^t W^m Davis, Springfield.

M^r Maximillj: Jewet, Rouley.

M^r Humphry Davy, Left W^m Johnson, Wooborn.

M^r Samuel Thompson, Brantry.

1676.

3 May.

M^r Henry Palmer, Haverill.
 Cap^t John Wayte, Maulden.
 M^r John Dodge, Beverly.
 M^r James Emery, Kittery.
 M^r Anthony Nutter, Douer.
 M^r John Cutts, Portsmouth.
 M^r Edward Rishworth, Yorke.
 M^r W^m Symonds, Wells.
 Left W^m Clarke, Northampton.
 M^r Peter Tilton, Hadley.
 Chelmsford: Left Th^o Hinchman.

M^r Peter Bulkley was chosen Speaker for this session.

Cap^t John Hull was chosen Treasurer by the whole Court mett togeth^r, in y^e roome & steed of the late Richard Russell, Esq^r, for this yeare ensuing, & tooke his oath to y^t place belonging 18th May, 1676.

As attests

EDWARD RAWSON, Secre^t.

[*74.]

Order impow-
ering select-
men to hire
men to man-
age, &c.

*Whereas the present warr necessarily calls forth sundry men into the country^s service whose employment & livelyhood consists in husbandry, the propogating whereof in our respective townes for the raising of corne and provisions is of great necessity for our subsistence, it is therefore ordered by this Court, that the selectmen of the respective townes doe take effectuell care, and are hereby impowred, to impresse men for the mannagement and carrying on of the husbandry of such persons as are called of from the same into the service, who haue not sufficient help of their oune left at home to mannage the same, who shall be allowed eighteen pence a day for their sajd worke, to be paid by the respective persons for whom they worke, prouided it doe not appeare that any persons employed haue been vnfaithfull in their labour, in w^{ch} case the selectmen shall haue power to deduct from their wages such proportion as they shall see meete.

Souldiers re-
fusing to make
appearance to
serve y^e coun-
try, ffoote sould-
iers to pay 4th
& troopers 6th.

This Court, taking into consideration the great disappointment the country hath suffered by reason of non appearance of souldjers impressed for seuerall expeditions, doe judge meete that euery person impressed as a souldier for the service of the country, and neglecting to make his appearance according to order, euery such ffoote souldier shall pay the sume of fower pounds, and euery trooper shall pay the sume of sixe pounds, and if their neglects or refusall be accompanied wth refractorines, reflection or contempt vpon author-

ity, such persons shall be punished with death or some other greivous punishment.

1676.

3 May.

And the comitte of militia in the seuerall townes where the offence is committed are heereby impowred and required to call before them all such as shallbe delinquents, as is aboue expressed, and on conviction of their neglect, to give warrant to the constable to levy the said fines, which said fines shallbe improved to purchase armes for the townes vse, provided it shallbe in the power of the council, vpon petition of any person agreived, and just reason alleadged and prooved, to make abatement of the said fines as in their wisdom and discretion they shall judg meet. And it is hereby ordered, that the return of all *neglects and defects in the cases aforesaid be sent to the comitte of militia in the seuerall townes, who are heereby required to take care for the strict execution thereof.

[*75.]

This Court, being informed that sundry persons, who, through the calamitie of the warr, are forced to remoove to other places, doe account themselves free from duty in those places, doe order, that all such persons so remooving shall stand, in respect of charges and duty to the publicke, in the same capacitie wth the propper inhabitants amongst whom they make their abode or residence.

Order declaring the duty of such as remoove, to be y^e same wth the inhabitants.

Whereas it appeares in the bills of disbursments, stated by the militia of the seuerall townes, & transmitted to the Treasurer, there is a great disproportion betweene town & town in the prices set for the hire of horses in the countrys service, for the preventing the like inconvenienc for the future, it is ordered, that the stated price for the hire of a horse for the country^a vse shallbe one shilling sixe pence in money p weeke throughout this jurisdiction.

Stated price for horse hier for the countrys service, 18^d p^r weeke.

For the preservation of the frontjer townes, it is ordered, that each of the said townes be, by the comitte of militia, divided into so many partes, as a meete number may each day, by turnes, be sent forth vpon the scout, wth whom a party of Indians, at the charge of the country, shallbe joyned; that the said scouts be constantly mannaged by a suiteable comāder in each of said townes, appointed by the said comitte, who shallbe paid his wages by the country; and for the encouragement of said townes, and more effectuell carrying on of this worke, that the souldiers abroad in service apperteyning to said townes be returned home, and they freed from the impresse during their attendance to the service aboue said for their owne & the country^a defence; and that the frontier townes be accounted Meadfeild, Sudbury, Concord, Chelmsford, Andever, Hauerill, Exiter; and for their further security, it is hereby declared to be the duty of euery cheife comāder or officer present in

Courts order as to frontier townes.

1676.

3 May.

[*76.]

Toune of
Salem's power
to impose 10th fine
for refusall of
constables
office.

Committee to
consider of
wounded
souldjers peti-
tions, &c.

Order prohib-
iting trade wth
y^e Indians on
penalty of
confiscation of
estate, or ban-
ishment con-
v^{ts}, &c.

[*77.]

Selectmen's
power to take
care for the
distracted.

any toune, vpon notice given him of any assault or distresse of any neighbour toune, to send forthwith what ayde can be spared wth safety at home for the security of the distressed.

*The Court being informed of the difficulty the toune of Salem meets wthall to finde persons that will serve in the constables office, by reason of the smalenes of the fine imposed by lawe on such as doe refuse, it is ordered by this Court, that it shall be lafull for the said toune henceforth to impose a fine of ten pounds vpon such as doe refuse to serve in the office of constable there, any law to the contrary notwithstanding.

In ans^r to the peti^{ti}on of John Braudon, a wounded souldjer, for releife, there being many in like nature that stand in like neede, the Court judgeth it meet to appoint M^r Edward Ting, M^r Joseph Dudley, Cap^t Hugh Mason, & M^r W^m Parkes to be a standing committee to consider of peti^{ti}ons of this nature, and make their report of what they judge meet to be donn to this Court, and to continue till the Court take further order.

Whereas, by the late law prohibiting trading houses & trading wth the Indians, except in open shops & townes where goods are sold unto the English, advantage is given to persons by that exception to carry on an vnlimited trade wth the Indians, which may proove of dangerous consequence to the publicke weale, it is therefore ordered by this Court & the authority thereof, that all trade wth the Indians be prohibited for the future; and it is hereby prohibited, that no person whatsoever wthin this jurisdiction presume to trade wth any Indian or Indians, directly or indirectly, by themselves or others, any commodity whatsoever, vpon p^{en}alty of forfeiture of their whole estates for each offence, being convicted thereof before lawfull authority, one third to the informer, and the remajnder to the country; provided, that this law doe no way prohibit the necessary supply and releife to such Indians and their families as are by order employed in the country^s service, or as are otherwise vnder the speciall care & inspection of authority, so that such supply & releife to these Indians be made as the Court or council shall allow; or if no estate, then to be bannished vpon payne of death; and that by such as are vnder *the speciall care & inspection of authoritje be meant such as, being peaceably disposed, doe come in, and, being appointed the place, doe liue wthin the veiw, & vnder the eye & protection, of the English.

Whereas there are distracted persons in some townes, that are unruly, whereby not only the families wherein they are, but others, suffer much damage by them, it is ordered by this Court and the authoritje thereof, that the selectmen in all townes where such persons are are hereby impowred & enjoyned to take care of all such persons, that they doe not damnify others; and also

to take care & order the management of their estates in the times of their distemperature, so as may be for the good of themselves & families depending on them, and the charge to be paid out of the estates of all such persons where it may be had, otheruise at the publick charge of the toune such persons belong unto.

This Court, considering the great inconveniency that will ensue, if persons be left at liberty to wthdraw from the frontier townes that are yet standing out, thereby enfeebling the remote parts of the country, and tending to the damage of the whole, doe therefore order, that it shall not be in the liberty of any person whatsoever, who is by law enjoyned to trajne, watch, ward, or scout, to leaue the toune he is an inhabitant of, vpon any pretence whatsoever, wthout liberty first obteyned from the co^mmittee of militia in the toune to which he doeth belong, or in case of their denyall, then by the council of the co^mmon-wealth, vpon the p^oenalty of twenty pounds, except within one weeke after they be required by the co^mmittees of militia to returne to their station, they shall accordingly returne, which summe of twenty pounds, vpon certificatt from the co^mmittees of militia to the County Court of that sheire, or to any two magistrates, shall, by their warrant, be forthwith levyed vpon the estates, or for want thereof, vpon the persons of such delinquents, to be disposed of, either to such as will come vnto the sajd toune to strengthen them, or towards the bearing the charge of the warr, or otherwise, as those that stand it out shall see meete; and it is further ordered, that no person capeable to assist in securing the *garrison he belongeth to shall absent himself, by going out of toune, wthout acquainting of and liberty obteyned from the co^mmander of sajd garrison, vpon p^oenalty of fve shillings for each offence in that kinde, that so the danger to w^{ch} the garrisons in the respective townes are exposed too by frequent absence of such as are for the deffence of them may be p^rvented.

For defraying the charges already expended vpon the warr, & other charges arising on the further prosecution thereof, it is ordered by this Court and the authority thereof, that there shallbe ten single country rates forthwith assessed & collected according to law, to be payd in specie as formerly, and to abate one quarter part to any that shall pay money: also that the selectmen be allowed & impowred to rate such by will and doome as are knowne to be men of ability, whose estates in a great measure lye out of the reach of the law, being vndiscoverd wthout abatement, on account of any mans paying for importation of goods; and in case of greivance by ouer valuation, releife to be given to such in such a way as the law provides, provided that such of the frontier townes as are considerably weakned in mens persons or estates by the enemy, be allowed a meet abatement of their proportions in the rates, their

1676.

3 May.

[*78.]

Ten rates to
issue out for
defray^{re} of
publicq^r ex-
pences, &c.

1676.

3 May.

conditions being by their deputjes or others appointed represented to this Court at their next sessions; and where any persons in any of the townes haue disbursed for the publicque relating to the warr, they shallbe allowed and paid the same out of the rates of such townes where they dwell, and that this shallbe in the roome of all bills for assessing of rates, passed this sessions of Court.

Courts instructions to
Seth Perry
going to the
Indians.

Instructions for M^r Seth Perry, our messenger to the sachems at ^{Wachusets,} Watchusets.

Yow shall, in the company of Tom Dublett, the Indian guide, repaire to Concord on Saturday, &, on Monday following, by his guidance, goe vp to the Indians quarters, and there deliuer the letter to the said sachems, desiring their speedy answer.

[*79.]

2. And if they shall demurr at the deliuey of our captives before the treaty, yet yow shall somewhat insist thereon, as a ^{*a} reall testimony of theire true meaning, to be for a cessation or truce wth the English; yet, if they shall thinke that too hard on their part, vnless a peace should be concluded & agreed, yow shall not vpon that account only breake off if they accept of a treaty vpon the whole matter conteyned in the letter.

3. If they also demurr at the place of meeting, or coming to Boston after your presenting to them the conveniency of Boston firstly, or the other places named, together wth the reallity of their safe conduct, yett yow shall not therevpon breake off; if they doe accept of Marlborow or Groaton for the place, they coming wth yourself, or at a day appointed & agreed on by yow, provided it be wthin fower dayes after your departure from them, wth a white flag, wthout armes, as wee send to them, which yow may assure them shallbe wth the like security.

By y^e Court.

EDW: RAWSON, Secret.

Courts letter to
the Indian
sagamors.

5 May.

These for the saggamore about Watchusets, Phillip, John, Sami, Washaken, Old Queen, & Pomhom.

Wee received your letter by M^r John Hoare, who went vp to yow wth the messengers, Tom & Peeter, being sent to yow from M^r Roulandson. Our expectations was, that yow would lett vs know vpon what condition yow would release to us all the English captives among you. Our minde is not to make bargain wth yow for one & one, but for altogether. Vnto this, which was our cheife buisnes, yow send us no answer, which wee doe not take kindly, for this way spends much time. In your letter to us yow say yow desire not to be hindred by our men in your planting, promising not to doe damage to our

tonnes. This is a great matter, and therefore cannot be ended by letters, without speaking one wth another; wee haue therefore sent to yow once more, to lett yow know our minds wth all speed. If yow will send us home all the English prisoners, it will be a great testimony of a true heart in yow to peace, which yow say yow are willing to haue; and then, if any of your sachems and councello's will come to us at Boston, or els to Concord or Sudbury, to meet with such cheife men as wee shall send, wee will speak wth yow about your desires, and with true heart deale wth yow. This way is the best way; therefore send speedily to us, whither yow accept it or no. If yow vnderstand not our full minde, Seth Perry, whom we now send wth this letter, will declare it more plainely. And wee doe hereby grant & promise, that all such as yow shall imploy in a treaty wth us shall be safe & free to come & goe, on condition that our messengers also shall be safe wth yow.

By the Court.

EDWARD RAWSON, Secre^t.

May the 5th, 1676.

*Cap^t Daniel Gookin was by the whole Court chosen & appointed to be sarjant majo^r of the regiment of Middlesex.

1676.

5 May.

It is hereby ordered, that the execcuto^rs of the late Tresurer, Rich^d Russell, Esq^r, be impowred to demand, account for, receive, & give discharge for all such sumes of money due vpon rate, or otheruise, contracted before the third of May last past, and to pay all debts, &c, due before such time from the country; all such debts & creditts properly belonging to their account wth y^e country.

[*79^a.]

Cap^t Gookin made sarj^t majo^r of Middlesex, & had his comission.

It is ordered by this Court, that M^{rs} Mary Russell & M^r James Russell, execcuto^rs of the late Tresurer, Richard Russell, Esq^r, deceased, be, and hereby are, ordered & required to receive the arrearages of all rates, customes, & fines comitted to the said Tresurer to gather in his lifetime, and to require of all constables and persons concerned, or an account & payment thereof, and to impose the fines for neglect as the Tresurer might & ought personally to haue donn.

Ord^r to impow^r y^e execcuto^rs of Rich^d Russell, Esq^r, Tresur^r, to gath^r vp y^e rates, &c.

Majo^r Thomas Clarke, M^r Anthony Stoddard, M^r Humphry Davy, Cap^t Laurence Hamond, M^r Henry Bartholmew, & Cap^t Jn^o Richards are appointed a comittee to audit the whole accounts of the late country Treasurer, and any three of them, wth Majo^r Clarke, shall haue full power to conclude & agree concerng all matters refferring to the said acc^ot, & to make returne thereof to the next session of this Court.

Comittee for y^e Tres^r's acco^{ts}.

Majo^r Thomas Clarke, M^r Humphry Davy, Cap^t Laurence Hamond, and

Comittee to inspect the comitte^e & Tresur^r for ye warrs acco^t, &c.

1676.

5 May.

Mr Anthony Stoddard are nominated & appointed a committee forthwith to conferr and advise wth the Tresurer & committee for the warre, and to inspect theire accounts, of both receipts and disburs, and what is yet in the treasury, for a present supply of what is wanting in order to the carrying an end of the warre, & supply of those that are in present necessity.

Provisions for
the Indians at
the island, &c.

This Court, considering the p^sent distressed condition of the Indians at the island, they being ready to perrish for want of bread, & incapacitated to make provision for the future, doe order, that there be a man wth a boate provided, who, wth some of the Indians, shallbe employed in catching of fish for their supply, and that if any of the English townes doe moove for some of them *to employ in scouting, labouring, or otherwise, with some of their oune men, (the said townes bearing the charge,) they shallbe accomodated in that respect, the which improovement of them may tend much to their supply, & much more to our security, and that the rest may be improved in planting the island or islands where they now are.

[*80.]

Order to con-
tinue Quoboag,
&c, & for their
provisions.

The Court judgeth it meet that the garrison at Quoboag be continued there, and that they haue suiteable provision sent to them, and to that end haue treated wth Leiueteñt W^m Clarke for a supply to be made from those townes vpon the riuier, which willbe more easily effected then to be sent from hence, and doe therefore order & impower the said Leifteñt Clarke wth all possible speed to procure the same; and Cap^t Turner is ordered to appoint a sufficient guard for the prouissions aboue said to Quoboag.

Ord^r for y^e
dismissing of
the troopes, &c.

Whereas the council, vpon intelligence of the approach of the enemy wth great numbers, ordered fower troopes speedily to advance, which hauing binn kept out about a weeke, and the troopers being most of them masters of familjes, and haue not yet planted, and there being at present no knoune opportunity of service, it is hereby ordered, that the said troops (having first made vp their complement to Cap^t Hinchmans & Leifteñt Flood, which were ordered by the council) be licensed to depart to their seuerall habitations, to attend their oune occasions for a weeke, and till they receive further order.

Order for pres-
ent provisions
for Quoboug.

The garrison of Quopaug being out of prouissions, and the supply ordered from Hadley not being likely to be wth them for their present releife, it is ordered, that forthwith prouissions for one weeke be speedied vp to them.

Left Ephraim
Sauage to
comānd the
garrison at
Quoboug, &c.

There being a present necessity to send vp some prouissions to Quoboag, for the releife of the garrison, as also a person to comānd in steed of M^r Graues, it is hereby ordered, that Sarjant Ephrajm Sauage doe march vp wth the prouission now sent, and take the comānd of the said garrison, and that the infirme or sick men there be dismissed, provided thirty souldjers be there kept; and for

the conveyance of the sajd prouission, it is ordered, that the captaine of Sudbury doe send vp a sufficient guard for the sajd prouissions to Marlborow, and is heereby empowred to presse sufficient horses to carry the sajd prouissions to Quoboag, and that Leifteñnt Jacob doe, from Marlborow, send vp a good guard wth the sajd prouissions to Quoboag, and vpon *theire returne, shall draw all his men into one garrison, which hauing donn, & leaving thirty men there, he is licensed to returne home wth such whose occasions are most pressing, or that are most vnfit for service, appointing some meet person to comānd there till further order be taken therein.

1676.

5 May.

[*81.]

It is ordered, that the majō of Suffolke issue out his orders for the comitte of militias raysing of theire seuerall proportions of eighty able souldiers, well & compleately armed, & furnished wth amñition and sixe days prouission for each souldier ; —

Order requiring y^e major of Suffolke to rayse 80 souldiers, &c.

That the major of Essex regiment issue out his orders for the like proportion of men, & so accomodated in all respects ; —

Major of Essex y^e like number.

That the major of Midlesex issue out his orders for seventy men in all respects out of y^t regiment so accomodated ; —

Major Midlesex to rayse 70

That the major for Norfolke issue out his orders for thirty men, as aboue, out of y^t regiment ; —

Major Norfolke 30.

That the major geñll issue out his orders for raysing of eighty troopers, compleately armed, &c, wth amñition & prouission, out of the seuerall troops in Essex, Suffolke, Midlesex, & Norfolke, & Three County Troope, who is also desired & impowred to repaire to Concord on the last of this moneth at y^e randevous, & see that the sajd numbers be compleately there, and fitted in all respects for the country^s service, & what he shall finde either absolutely vnfit or supernumerary, it is left to his wisdom to order & dismiss, provided it be proportionable to the numbers sent from the townes ; —

Major gen. to rayse 80 troopers.

All to be at Concord, the randevous, by 30 May.

And that the seuerall major's send out theire warrants for the impressing of their proportion of one hundred able & fitt horses for baggage horses, to carry the prouissions to the randevous, by the thirtieth instant.

100 horses to be raised by y^e seuerall majors for carrying baggage, &c.

It is also ordered, that M^r John Faireweather, M^r Jn^o Morse, & M^r Jn^o W^{ms}, comissarys, forthwith, by contract wth men, procure & prouide sufficient prouitions of all sorts proportionable for five hundred men for one month, and to be at Concord by y^e 30th instant, charging bills on y^e Tresurer, to be paid therefore, & w^t pt thereof vnpaid to pay interest after six pounds p cent for the payment thereof ; —

Comissarys order to provide prouissions for 500 men.

To charge bills on the Tresurer for paymt, to pay to present till p^d.

And that Major Gookin and Capt^t Samuel Hunting prouide & procure a seventy able Indians, fitt & ready, by the 30th instant, to march out wth the forces on the country^s service.

Major Gookin & Capt^t Hunting to raise 70 Indians, &c.

1676.

5 May.

[*82.]

Order for Indians at Long Islands removed.

To Brush Hill, &c, Patucket, &c, Natick, &c.

*Proposalls refferring to the Indians at Long Island.

1. That they be immediately remooved to convenient places for their planting, i. e., Ponkapaug Indians at Brush Hill, or as neere as they may wth safety to their oune planting feilds, and that they place their wigwams in or neere some English garrison there;—

Nashobah Indians & a part of Natick Indians to Patucket; and the remainder of Natick Indians to their oune plantations, or such lands of the English as may be procured for them.

2. That the garrisons appointed to be erected & kept in or neere the aboue sajd places (y^t is, Patucket & Natick) be so disposed as may be for the best security & improovement of both English & Indians against the comon ennemy.

3. That a comittee be nominated & impowred by this Court forthwith to take effectuall order for the effecting thereof, that the season for planting & fishing may not be wholly lost.

Comittees for y^e vigorous acting therein, &c.

4. That such Indians as shallbe impeached by name by any English, as not to be confided in or meet to haue this liberty, be continued at the island vntil the council, on hearing the matter, shall take further order for their disposall.

5. That the Indians lodge constantly in the English garrisons, as they shallbe appointed by those that are or shall, from time to tyme, be their ouer-seers, on pajne of death.

The Court allows & approoves of these proposalls; that the Indians to be remooved doe consist mostly of weomen & children; that the men be improved in the service of the country; and doe therefore nominate & appoint, as comittees, Left Quinsey, Robert Badcocke, & Corporall Suift for Brush Hill; Cap^t Prentice, Ensigne Fuller, Ensigne Bulling, & Deacon Heynes for Naticke; Left Hinchman, Left Danforth, Ensigne Fletcher, Left Osgood, & Serjant Converse for Patucket; who are heereby impowred, or the majo^r p^{te} of each of them, in all respects to act vigorously for effecting of what is agreed vpon in the fore mentioned proposalls, so farr as respects the settlement of the sajd Indians & garrisons; that the whole affaire, so farr as it refers to the remoove of the Indians & their settlement, be at their oune charge, to be paid out of the Indian stocke.

Councils order to Major Gookin & M^r Elliot to make seperation & to prouide arms in stock, &c.

The council ordered Maj^r Gookin & M^r Elliot to make the seperation aboue^d, & Maj^r Gookin to appoint y^e comittees time & place for reception of each parcell of Indians, & to impress boats, &c, for their remoovall forthwith, & that he take care to arme & dispatch the Indian souldjers; and the comis-

sioners are to attend his order in contracting for armes for their dispatch to Cap^t Hinchman.

*It is ordered, that the Indians that haue binn employed for the publicke be paid their arrears by the Tresurer, as shall be ordered him by Major Gookin, and y^t Major Gookin be requested & impowred to order the scittuation of all the weomen & children, so as may be most secure ag^t the ennemy, & acceptable to them in Cambridg neck of land.

Whereas a number of English and Indians were by the honoured council ordered, vnder the comānd of Sa^m Hunting, of Charls Toune, to attend the countrys service at Pautucket, neere Weymesit, and there to settle a garri-son, &c, it is therefore ordered by this Court, that the said Samuell Hunting, wth the English & Indians vnder him, appointed for y^t affayre, be forthwith discharged from their present service vnder Cap^t Hinchman, and that they accordingly attend the aforesaid service, which, by the council, they were appointed to, provided that tenn Indians doe remayne wth Cap^t Hinchman vntill a further supply of other Indians be made to him.

And it is further ordered, that forty or fuety of our most trusty Indians vpon the Island be forthwith armed, & furnished wth amunition & necessaries, to be sent vp to be under the comānd & dispose of Cap^t Hinchman for the countrjes service, & Cap^t Jn^e Hull is hereby desired to purchase fuety good suiteable armes vpon the countrys credit, to be ready for y^t service.

The troope of horse in the county of Suffolke being now destitute of a captaine by the death of Cap^t W^m Davis, it is by this Court ordered, that y^e present Leifteⁿt Thomas Brattle shall be henceforth captaine of the said Suffolke troop, & Cornet Jacob Elljot leftenn^t, & Corporall Timothy Dwight cornet of the said troope, & Corporall Thomas Swift quarter master.

Cap^t Th^o Lake, M^r Humphry Davy, & M^r Richard Collecot, or any two of them, are appointed com^{is}sion^{rs} to joyne wth the associates of Devonshire to keep the County Courts there the third second day of July next.

William Stoughton, Esq^r, is appointed, authorized, & impowred to keepe the County Courts in Portsmouth or Douer, and also at Wells, in Yorkshire, for this yeare, at the times & dajes appointed, wth the associats there allowed & approved of by this Court for that service in those counties.

*Major Bryan Pendleton, M^r George Munjoy, M^r Edw^d Rishworth, Cap^t John Wincol, and M^r Samuel Wheelwright were chosen associates for the county of Yorke for this next yeare ensuing, w^{ch} this Court allowed & approved of.

Left W^m Clarke, Left Daud Wilton, Leftⁿt W^m Allis, & Deacon

1676.

5 May.

[*83.]

Indians arrears to be paid.

Order impow-
ing Cap^t Hunt-
ing to disch^g
y^e Indians, &c.40 or 50 of y^e
trusty Indians
to be employ^d
vnder Cap
Hinchman.Officers to Suff-
olk troope Cap^t
Brattle, Leftⁿ
Elliot, &c.Associates of
Devonshire.W^m Stoughton,
Esq^r, to keepe
County Court
at Portsmouth
& Wells.

[*84.]

Associates for
Yorks.Associates for
Hampshire.

1676.

5 May.

Daniel Dennison, Esq^r, to keepe y^e County Courts in Norfolke.

Associates for Norfolke.

Capt Saltonstall & M^r Dalton impowred with magistraticall authority.

Order for 9 country rates at Yorkshire.

[*85.]

Yorkshire charges to be stated by Major Shapleigh, M^r Rushworth, &c.

Peter Tilton were chosen associates for the County Courts in Hampshire for the yeare ensuing, w^{ch} the Court allowed & approved of.

Majo^r Generall Daniel Dennison, Esq^r, is appointed & impowred to keepe the County Courts in Norfolke for the yeare ensuing.

Majo^r Richard Walderne, Cap^t Elias Styleman, M^r Richard Martyn, & Cap^t Thomas Daniel were chosen associates for the county of Douer & Portsmouth for the yeare ensuing, which the Court allowed & approved of.

Majo^r Robert Pike, Cap^t Nathaniel Saltonstall, M^r Samuel Dalton, & Cap^t Thomas Bradbury were chosen associates for the County Courts in Norfolke for the yeare ensuing, w^{ch} the Court allowed and approved of.

It is ordered by this Court, that Cap^t Nathaniel Saltonstall & M^r Samuel Dalton are hereby invested wth magistraticall power wthin the county of Norfolke for the yeare ensuing.

It is ordered, that the County Courts in Norfolke be kept at Hampton the last Tuesday in May next, according to the last adjournment, and that for this yeare the Court in October be kept at Salisbury, any law or custome to the contrary notwthstanding; and that Symon Bradstreet, Esq^r, is appointed to keepe the County Court at Hampton, now on adjournment.

Whereas, by an act of this Court, of February 21th, 1675, it was ordered that nine country rates should be levyed vpon the inhabitants of Yorke-shire for the defraying of the charges of the warr in that county expended, & accordingly warrants were issued out by the country Treasurer, & Majo^r Walderne appointed to receive the rates so collected, and whereas there is yet nothing donn to effect in pursuance thereof, it is now ordered, that the aboue sajd nine rates shallbe speedily levyed & paid in, for the vse aforesajd, to the p^sent Tresurer of the county of Yorke, who shall take æquall care that, together wth what hath binn disbursed amongst themselues, the other disbursments made by order of authority for there releife be duely & speedily payd.

*Whereas, by information of y^e deputies of the county of Yorkshire respecting the lawe of the com^{it}tee of militia, which binds vp the approbation of all accompts & arrears touching the present warre solely in the hand of the sajd com^{it}tee of militia in euery tounne, by whom a great part of the sajd charges arising amongst us are mostly clajmed, the premisses considered, it is hereby ordered by this Court and appointed, that Majo^r Nicholas Shapleigh, of Kittery, M^r Edward Rushworth, of Yorke, & M^r Samuell Wheelwright, of Wells, be & are hereby impowred to call before them, examine, & approue all such necessary arrears & charges as shall or may apperteyne to the county aforesajd, and what chardges by them according to law shallbe allowed

& approved, provided it be not in wine or strong liquors, shall by the said committee be duly paid & satisfied from time to time.

1676.

5 May.

Order empowering selectmen of Cambridge to finish their line of stockadoes.

In answer to the request & motion of the militia of Cambridge, declaring, that in observance of the order of this Court for the fortifying of their town by the advice of the council, & with the consent of the town, they have begun a line of stockadoes, which remaines unfinished, by reason of the refractorines of some of their inhabitants, this Court doe hereby empower the selectmen of the town to joyne wth the militia for the finishing thereof, and for their furtherance herein doe refer them to the lawes already published.

In answer to the request of George Carr, Señ, who keepes the ferry ouer Merrimack Riuer, the securing whereof for the common passage of poasts, souldiers, & travellers, & variety of other occasions, is of very great conceitment vnto this colony, which, if neglected, may proove eminently pjudicial & dangerous to the country in generall; for preventing whereof, it is hereby ordered by this Court, that the said Carr, shipwright, shall haue a garrison, & the full number not exceeding seven men, free from impresse, provided the said Carr doe mainteyne his garrison & the said men at his oune propper & peculiar charge, and those seven men be constantly kept for the security of the ferry, & the names of those persons so improoved to be returned in to the major of that county.

Georg Carrs power to keepe a garrison.

The Court, hauing spoken wth diuers gen^{ts} in Boston, & desired them to aduanc for the present supply of the country, & sent to others at a distance on the same account, the Court being neare their adjournment, judg meete to request the honoured council further to promote the said worke by treating or sending to such other gen^{ts} of whom they may haue expectation to receive supply vpon the forementioned acco^t.

Order to engage such, &c., to land, &c.

*There being some cases depending in Court, & appointed to be heard this day, & some others desiring the like fauour, & the prouidence of God calling vpon us at this time to attend more solemne occasions, together wth the present awfull hand of God against us in the present dispensation, this Court judgeth it meet to refer the answer to such petitions as are now in Court, w^{ch} are not already determined, & also such cases as were appointed to be heard, vnto a more convenient tyme, when the Court will giue timely notice to persons concerned to attend them for an issue; and that there be an application to those things w^{ch} concerne the warre, that so the Court may adjourne.

[*86.]

Court order as to hearing of cases.

Whereas Joseph Dickinson, of Squakeage, deceased, did, in his life time, make sale of a certeine house, lands, & meadow vnto Mathew Gleason &

Ans^r to Dickinsons pet.

1676.

5 May.

Samuel Langton, both of Northampton, & they having payd & secured the pay according to agreement, and forasmuch as the said purchasers haue no legall assurance of said house & land, vpon a motion made in behalfe of the said Gleson & Langton to this Court, the Court judgeth it meete to empowre Phœbe, the widdow & relict of said Dickinson, to make firme deeds, according to law, to the said grantees.

Commissarys
power to con-
tract for pro-
uisions.

The present condition of our forces abroad being such as calleth for a speedy supply of necessaries, it is ordered, that the commissaryes shall be & hereby are impowred forthwith to contract with any man or men for prouision, bread, & porke, &c, as they shall be directed to, for ready mony, to be payd within one tenn dayes, chardging their bills on the Tresurer for the payment thereof within that time.

Secretarys al-
lowanc.

In consideration of the secretarys extraordinary paynes & service since the begining of the warr with the Indians, it is ordered, that the secretary be allowed twenty pounds ouer & aboue his stated salery for y^e yeare past.

Mr Deane
joyned with
Cap^t Richd^s,
Mr Vsher, &c,
committee for y^e
army.

It hauing pleased God to take to himselfe Cap^t W^m Daus, Mr Thomas Deane is appointed to joyne with Cap^t Jn^o Richards & Mr John Vsher for the auditing of the souldiers debenters.

Cap^t George
Corwins trjall.

The Court, being sensible how much it concerns the welfare & safety of this country that order be attended by all officers and souldjers, and there being too much appearance that Cap^t George Corwin hath given very evill example in his demeanour & carriage to Cap^t Hinchman, which tended to disturbe & mutinize the souldiers vnder his command, judge it necessary, that the said Cap^t Coruin be further questioned, & proceeded with as the case may require, for the prevention of the like disorders, and to stop any clamour against the gouernment of partiall proceedings, that poorer men are punished for lesser offences, when richer men escape with greater; and therefore doe appoint this case to be heard this afternoone at fower of the clocke, & that the wittnesses be summoned to appeare at the time.

[*87.]

Courts sentenc
his command of
y^e troope of
horse taken
from him &
fined 100^{li} to y^e
country.

This Court, having heard & considered the case of Captaine George Corwin, as to his carriage towards Captaine Hinchman, the commander in cheife ouer the forces now out against the ennemy, his orders for the service of the country, doe judge, that the said Captaine Coruin hath manifested great contempt of authority therein, and hath giuen very ill example in these times of danger, tending to dissolue that good discipline that is of necessity to be kept vp; and doe therefore take from him, for his said offence, his command ouer the troope of horse of which he is captaine, and doe also sentence him to pay a fine of one hundred pounds in mony to the country.

The country to
pay half y^e
wages of y^e
garrison sould-
jers at Had-
ley, Northamp-
ton, &c, after
such a time.

In answer to the desire & motion of the committees of Hadley & North-

ampton, the Court, on consideration thereof, declare, that the one halfe of the garrison souldjers in those townes be, by the comandrs there, dismiss, as are most vncapable of staying there, as shall be directed or otherise knoune; after w^{ch} being donn, the country shall pay the wages of the other remayning halfe of the sd garrison souldjers from that time.

1676.

5 May.

The whole Court, being mett together, ordered, that the majo^r for the county of Essex, Daniel Dennison, Esq^r, forthwith issue out his orders to the comittees of militia in the seuerall townes in that regiment for the raysing of their seuerall proportions of eighty able foote souldjers, well and compleately armed, & furnished wth amunition & sixe day^s prouission for each souldjer; —

Courts order to y^e majors of Essex, Suffolk, Midsex, & Norfolk, to raise y^r proportion of foot souldjers, &c.

That the majo^r of Suffolke doe in like manner send forth his orders to the comittees of militias in the seuerall townes of that regiment for the like proportion in all respects as aboue; —

That the majo^r of Midlesex doe in like manner send forth his like orders for the raysing of seenty like able souldjers out of his regiment, & see that they be alike compleately armed and furnished; —

*That the majo^r in Norfolke doe in like manner send forth his orders for the raysing of thirty like able foot souldjers, compleately armed & furnished as aboue; —

[*88.]

That the majo^r generall issue out his orders for the raysing and proportioning of eighty troopers, compleately, wth armes & amunition, proportioned out of the seuerall townes in Essex, Suffolke, and Midlesex, & Norfolke, & the Three County Troope, who is also desired, ordered, & impowred to repaire to Concord on the last day of this moneth, at their randevous, and see that the sajd numbers be there, compleately fitted & furnished, in all respects, for the service of the country, and what he shall finde either absolutely vnfit or supernumerary, it is left to his wisdom to proportion according to the number sent to order & dismis; —

Y^e major gen. to proportion & pvide eighty able troopers out of y^e se^u reg^{ts}, &c.

And that the seuerall majo^{rs} send forth their warrants for the impressing of theire proportions of one hundred able & fitt horse, wth men, one man for two horses, for baggage horses & to carry the prouissions to the randevous, to be there by the thirtieth of y^e instant; —

Y^e majors to provide one hundred able horse for baggage horses.

And that Majo^r Gookin & Cap^t Samuell Hunting prouide & procure seventy able Indians, fitt & ready, by the 30th of y^e instant, to march out wth the forces on the country^s service.

Comissarys pouer & order to pvide pvisions for y^e men, & all to be at Concord 31 May.

It is also ordered, that the comissarjes, M^r Jn^s Fairweather, John Morse, & Nathaniel Willjams forthwith, by their contracts, prouide & procure sufficient prouission of bread, porke, &c, of all sorts, wth proportionable amunition

1676.

5 May.

Ans^r to Jn^s
Harrison peti-
tion; a more
leasurable
time appoint-
ed. Vide 86.
Ans^r to Brad-
fords request.

of all sorts, for five hundred men for one month, ordering & seeing that they be at Concord by the thirtieth of this instant.

In answer to the petition of John Harrison, it is ordered, that his case therein mentioned be heard next 3^d day after noone; that the secretary give order that all persons concerned attend accordingly; wth was donn.

In ans^r to the motion of Phillip Nelson, relating to the strenghtning of Bradford garrison, it is ordered, that the major generall send them out of Rouley twelve men, according to their owne proposition, to be at the chardg thereof themselves.

Ans^r to y^e
selectmen of
Springfeilds
petition.

In answer to the petition of the selectmen of Springfield, in behalfe of their inhabitants, it is ordered, that, in regard of the great losses they haue susteyned by the ennemy, that for what country rates shallbe levyed vpon that toune, before the vsuall time wherein our annuall rates are to be made, that the select men of the sajd toune make a new list, both for persons and estates, w^{thout} any further order from the Treasurer, as at other tjmes, & so pay not refferring to any former lyst.

[*89.]

Order for pro-
visions for the
army w^{thout}
delay, &c.

*This Court, being informed by Cap^t Hinchman of his desire to be vpon suddaine motion, doe order, that suppljes of men & provissions, according to former order, be forthwith raysed, and the sajd Cap^t Hinchman ordered to march the sajd forces vnder his comānds against the comon ennemy without delay; and that the garrison souldjers at Hadley, &c, be improved for the disresting of the ennemy in those parts, Connecticutt being desired to afford us one hundred of the Pequotts & Mohegins, wth some English, to joyne wth them and with others of the Indians & English there, for to range the Narraganset country; & that a motion by this Court be made to the council of Plymouth to rayse an hundred men, & to joyne wth them as many of the Cape Indians, to rainge about their frontjers & vp the riuier as farr as Mendham; and that the warr on foote shallbe mannaged to the vtmost of our ability in a constant & settled way, w^{thout} such intermissions as may proove greatly to our disadvantage & the encouragement of the ennemy.

1. For the more speedy & vigorous psecution of the warr, it is ordered by this Court, that victualls & affinion, & all other necessaries, be provided and forthwth sent to fitt places. 2. And that letters be forth with sent to Connecticut to send forth one hundred men, wth such Pecquots & Mohegins, &c, to joyne with our garrison souldjers at Hadley, Northampton, Springfield, &c, & to agree vnder what comānd they shall be putt.

3. And that letters of information & request be forthwth sent to the Gofino^r of Plimouth to imploy what English & Indians they cann, at the same time to disrest & distresse our ennemyes in those parts and about the Narra-

gansets; and for effecting the premisses, it is left to the care of the honored council of this comonwealth.

1676.

5 May.

Order providing for the army provisions, &c., & liberty for the sicke, &c.

The Court, considering the want of prouissions for their garrisons of Marlborow & Quoboag, who are in distresse, together wth the wants & sicknesses in the army, doe order, that all the sicke or necessitous persons in the army be licensed to repaire to their owne homes for ten dayes, and that forty or fuetie of the ablest be reteyned & quartered in Sudbury & Concord, & be employed to guard vp provisions to Quoboag, Marlborow, & other magazines, which are wth all expedition to be sent vp, and in the meane time baggage horses be provided, and euery regiment enjoyned to make vp the full number of souldjers, both horse & foote, designed at their first advance, and that the souldjers now to be licensed be enjoyned to appeare at Concord with the recruits on Wednesday, the last of May, at their vtmost perrill; what remaines of force besides the convoys, Cap^t Hinchman is ordered to improove them for the security of the frontiers, vntill the prefixed time of recruite.

*To the Indian sachems.

[*90.]

Courts letter to y^e Indians.

Yow know wee sent our messengers according to your desire, and wee very true heart, but yow no giue us answer in writing, by our messengers, as yow promise; wee now send these our men, Peeter Gardiner & Jonathan Prescott, to know your minde, whither yow willing lett us haue our weomen & children yow haue captives; and if yow haue any proposall to make to us, wee willing to heare yow; and if yow come yourselues, wee send some of our sachems to treat yow at Concord, or some other place where best, and yow haue safe conduct; for wee very true heart, and yow tell your people so.

By the Court.

EDW: RAUSON, Secre^t.

Instructions for the messengers that are to meet the sachems on Thirsdai next.

Instruction to y^e messengers going to the Indians, i. e., Peter Gardner, Jⁿ Prescott, &c.

Yow shall make all possible speed onward towards the Indians, that so yow may not fayle to meet them at the time & place appointed.

Yow shall acquaint the sachems, or such as they shall send, that wee expected to haue received an answer to our last letter, and are so much the more dissatisfied at their neglect of us therein; because, hauing not received any direct answer to our former messuages, wee did in this last presse our majne errand about the redemption of all the English captives so possitively & clearly, that it could not but be very well vnderstood by them, and that it would not please us to be so long delayed, and put vpon sending so oft to them; and

1676.

5 May.

therefore yow must now insist vpon this matter of the captives in comon so fully as to bring it to effect, that wee may know their mindes. This yow are to doe in the first place, before yow treate for any of them in particular.

If they propose to treat wth the English about the issuing of the warre, & haue any reasonable offers to make for that end, yow shall let them know wee will heare & consider what they haue to say, but are not very willing to meet them in the open woods, but at some convenient garrison, where they shall be safe & our messengers more conveniently accomodated. If they come at this time wth any expectation of meeting wth any persons of quality sent from us wth power to conclude anything, yow shall tell them that it is their owne fault that it is not attended, in that they did not signify to us that they desired so much of us, and that they would come in order therevnto; but, howeuer, if they professe to be so in a readynes, & will but stay, wee will forthwith send such persons to them; & in this case gaue as much intelligence as yow can what they are like principally to insist vpon, & give us speedy notice of it.

[*91.]

Finally, yow are to mannage your whole treaty wth clearenes * & confidence, that so no pannick, feare, or weaknes of minde may appeare; & lett them know that the English are resolu'd to make warr their worke vntill they enjoy a firme peace.

Enquire also concerning their present state as to health, supplies, motion of Mohawks, &c.

By y^e Court,EDW^d RAWSON, Secre^t.

Ans^r to Alice
Thomas peti-
cⁿ.

In ans^r to the petition of Alice Thomas, humbly desiring the favour of this Court to readmitt hir as an inhabitant of Boston, &c, the Court judgeth it meete to referr the peti^coner to the next County Court for an answer.

Cap^t Moselys
proposalls for
volunteers.
Committee ap-
pointed to dis-
course him, &c.

This Court, being informed of Cap^t Moselys forwardnes to engage in the countryes service in the capacity of a comāder ouer such volunteers as may hereafter present themselves, it is ordered, that Majo^r Jn^o Pinchon, Majo^r Thomas Savage, M^r Humphry Davy, & Cap^t Laurenc Hamond be a comittee to discourse Captaine Mosely in refference to such propositions as he may offer touching that affaire, to consider thereof, & to present to the Court or council what they shall judge as meet & expedient for the promoting & encouraging of such a designe.

Cap^t Mosely readily presented these following propositions:—

1. That they may in all respects be vnder the same priuiledges wth other souldjers impressed, p^ticullarly to haue their wounded men provided for at the charge of the country.

2. That he may haue liberty to procure fuety or sixty apt or other trusty Indians, to be armed at the countrys charge. 1676.

3. That neither he nor any of his company may be ordered to keepe garrison, but maybe alwayes at liberty to seeke out & molest y^e ennemy. 5 May.

4. That he may not be ordered vnder the comānd of any comānder in cheife that is or may be sent out, vnless, vppon a suddaine exigent for the speciall service of the country, there shallbe occasion of joyning wth the other forces for their strengthning, but not to be obliedged to continue wth them longer then y^t emergency may require.

5. That his comission may be as large as may consist wth the safety of the country, & not to be bound vp in his marches or executions to particular places, but to leaue it to their best discretions for destroying the ennemy, excepting only speciall orders from Generall Court or council on speciall occasions.

6. That the benefit that may accrew by captives or plunder, y^t maybe divided among^t themselves. To which the comitteee added, —

1. That he ought to haue all due encouragement in this affaire, & doe judge his propositions rationall & to be granted. Comittees
returne.

And, as an expedient for the mannagement thereof, they propose, —

1. That a declaration be issued forth for, & persons appointed (i. e., the comittees of militia) in the respective townes, to take subscriptions from persons willing and able to beare the charge of wages * & provisions for the supply of these volunteers for two months from the time of their march; & if the charge shall surmount the contributions, in such case the country to compleate it. [*92.]

That the country, vpon the publick charge, supply them wth sufficient affinitation for sajd service, and doe advance tenn dayes provision for their present supply at their marching forth, and that they may be quartered in townes whither they may necessarily come at the publick charge, as other souldjers are.

That a standing comitteee be appointed to mannage this affaire, to whom the militias shall send in their respective subscriptions, who shall order the payment of wages by debenters from their comānder, & rajse provisions & clothing, and take effectuall care for sending the same to them from tyme to tyme, (the charge of transportation to be the countrys,) to be paid by order of the sajd comitteee to the respective militias by & according to the subscriptions; and that the honnoured council be pleased to impower the sajd comitteee to act accordingly. Their propo-
salls.

And in consideration of the necessity of the vigorous prosecution of this warr, wth the great difficultjes the country at present labors vnder to rayse mony, provisions, & clothing for the souldjers employed, they propose that a

1676.

5 May.

declaration or instrument be prepared & issued forth from the Court or council to the inhabitants, that such as are able may be stirred vp to give, or lend, or both, the country such a summe of mony & prouissions as may helpe to discharge the publick necessary debts contracted & contracting in the management of this warre, what shallbe lent to be paid wthin the compasse of three yeare; and that, vpon the next publick day of humiliation or thanksgiving that shalbe appointed by authority, the elders & ministers of the respective townes be desired to stirr vp & exhort the people thervnto.

Subscribed by JOHN PYNCHON,
 HUMPHRY DAVIE,
 LAURENC HAMOND.

Courts appro-
bation of the
committees re-
turne.

The Court allowes, approoves, & confirms the returne of the committee as an act of this Court; & for the further prosecution hereof to effect, it is referred to the committee to draw vp the declaration mentioned; and it is further declared, that no mans sonn or servants be taken or listed wthout or against the consent of their parents or masters.

20 May.

A letter rec^d
from Conecti-
cut, & is on
file of 20 May,
75.

On the 20th of May came to the councils hand a letter, signed by Jn^o Allin, secretary, in the name of the council of Hartford, on Conecticot, which was communicated to the Generall Court then sitting, who returnd an ans^r thereto, & is as followeth:—

[*93.]

Courts ans^r to
Conecticots.

*Honored Gentⁿ: —

Yours of the 20th instant came to hand y^e 24th. Our wondering at your so long silence hath binn no lesse then yours exprest. Considering that since our forces were called of from those parts, they not finding any ennemy, notwithstanding endeavo^{rs}, after such patient wayting, and the ennemy in such a body as sixe hundred appearing at Sudbury & Marlborow at seuerall times, doing mischeife by theire burnings of deserted houses, yea, endeavours to attack some fortified houses, & carrying one newly left, killing many here & there, (of which notice hath been given,) wth occasioned us to leaue a sufficient garrison in those townes, & draw of our forces to vissit, had it binn feazeable, the head quarters of the ennemy at Watchusets; but divine Prouidence ordering it that our forces, by weaknes & wants, could not attayne that end, new forces were rayسد, vpwards of three hundred men, horse & foote, wth forty Indians, committed to the conduct of Cap^t Daniel Hinchman & seuerall captaines vnder his comand, who since hath oppertunely, by sending out partjes, discovered the ennemy by our Indian scouts as fleeting vp & doune, and by a party of

1676.

20 May.

horse, under the command of Capt Thomas Brattle, on the 5th instant, betweene Mendon & Hassanemesit, the Indians discovered the ennemy, fell on them, the horse pursuing them, kild atwenty, of which were fower squawes, tooke seuerall armes & plunder that they found in the pursuite. The season was wett; the ennemy quickly gott into the swamps; they were all disperst; none of the troopers or scouts wounded, blessed be the Lord. On the 24th instant, the said Capt Brattle, wth a troope of horse, about fuetty, sent out to the pursuing of the ennemy that had newly donn spoyle at Seaconcke, when, coming wth a smale party of foote there, marcht to the falls of Pacatucke Riuer, being on Seaconcke side. Spying Indians on the other side, left the foote on Seaconck side, the horse, marching vp the riuer about a mile, wth some difficulty got ouer, marcht doune to the ennemy, put them to the rout immediately, kild seuerall of them, tooke seuerall armes, wth affinition, keetles, & other things, wth two horses; burnt great store of their fish they had catch^d, wth coates & shooes they had left behind. One man was lost there, & Cornet Elljot wounded in the hand, the dead man carried to Seaconck, and buried there. An Indian boy was taken, that, on examination, affirmd this party of the ennemy was 3 or 4 hundred, & belongd to Nepsuchnit. Thus God is pleased to mixe his smiles with his frounes. The season sickly; our forces disabled at present; but we haue impressed, & hope by the first of June, at farthest, to be out wth fiae hundred, horse & foote, & Indians, *on the vissiting of the ennemyes head quarters at Watchusets, taking it in their march to Hadley, to joyne wth y^e forces & Indians, w^{ch} we hope & desire may be proportionable to pursue & distress the ennemy, (if God please.) Our forces haue it in command to make no stay, but to march vp to those parts in expectation of your forces to joyne wth ours. Wee doe also acknouledg your neighbourly respects in your sending eighty men to strengthen those tounes. Wee also finde the Indians heere abouts doe but dally, & intend not peace, therefore concurr wth yow in a vigorous prosecution of them; haue communicated our thoughts, as well as help, to the Gofino^r of Plymouth, from whom yesterday received his concurrenc in y^e affaire, and assurance that what is in their power now is, & then shall be, out to scout in those parts. Comending your & our endeavours to the gratiuous guidance & blessing of the Almighty, remaine, honord gentⁿ,

Your affectionate friends & confederates,

The Generall Court of the Massachusetts.

& signed by their ord^r.

EDW: RAWSON, Secr^t.

In answer to the petition of Henry Despaw, Señ, of Lyn, the Court

VOL. V.

13

[*94.]

Ans^r to Henry
Despaw's peti-
tion.

1676. judgeth it meet to referr the consideration and answer thereunto to the honoured council, to make such prouission in the case as they shall judge meet.

20 May.

[Blank in original record.]

[*95.] *The case of D^r Bellingham, referring to his fathers will, hauing been often ordered an hearing, but, through other vrgent publick occasions, hitherto delayed, and M^r Wharton, his agent, being shortly to goe for England, it is ordered, that all partjes concerned be warned to attend to morrow by eight of the clock in y^e morning, and that then this Court will giue them an hearing to an issue.

9 August.

Att a speciall Generall Court, called and assembled together by Order of the Council, in Boston, the 9th of August, 1676.

P ^r SENT,	Jn ^o Leueret, Esq ^r , Go ^v ,	
	Sa ^m i Symonds, Esq ^r , Dep ^t Gov.	
	Symon Bradstreet,	} Esq ^r s.
	Daniel Denison,	
	Thomas Danforth,	
	W ^m Hathorne,	
	Edw ^d Tyng,	
	W ^m Stoughton,	
	Thomas Clarke,	
	Joseph Dudley,	

The name of y^e deputy y^t was returnd & seru^d at y^e Court were, —

Sa^t: M^r Heñ Bartholmew.

Ch: Cap^t Laurenc Hamond, M^r Thō Graues.

Do^r: Lef^t Jn^o Capen.

B.: M^r Anthō Stoddard, Cap^t Thō Clarke.

Rox.: M^r W^m Parks, M^r Thō Weld.

Wa^t: Cap^t Hugh Mason.

Cam^b: M^r Edw^o Ookes, M^r Edw^o Jackson.

Lin: M^r Jn^o Fuller.

Ip^s: Majo^r Sa^mi Apleton, M^r W^m Goodhue.

Ne^w: M^r Samuel Plumer, Ensⁱ Stephen Greenleafe.

Wey.: M^r Thō Dyer.

Hing^g: M^r Nath Beale.

Coñ: M^r Peeter Bulkley, Cap^t Jn^o Hull.

Hā: M^r Sañ Dalton.
 Roŵ: M^r Maximiſ Jewet.
 Dō: M^r Rich^l Waldron.
 Brā: M^r Sañ Thompson.
 Wō: M^r Humph Davy, Left W^m Johnson.
 Mald: Cap^t Jn^o Wayte.
 Glō: M^r James Stephens.
 Portsm^t: Jn^o Cutt.
 Kiſ: M^r James Emery.
 Wells: M^r Franč Littlefeild.
 Hađ: Cap^t Jn^o Richards.
 No^r Hā: Enſi Heñ Philips.
 Chelm: Left Thō Hinchman.
 M^r Job Lane, Billi.
 Cap^t Dañ Fisher, Dedh^m.
 Cap^t Georg Barber, Medf.
 M^r Edw Rishworth, Yoſ.
 M^r John Dodge, A .

1676.

9 August.

M^r Peter Bulkley was chosen Speaker.

ATT the opening of this Court, the Gouverno^r declar'd the grounds of sumōning this Court — the recepj^t of a letter from his majesty, &c.

The Court, being acquainted that many of the reuerend elders were in toune, agreed & sent the marshall to them, & that they desired their p^senc & advice in so momentuous a matter. Agreed vpon the question, & sent it to them, w^{ch} was, —

Q. Wither the most expedient manner of making answer to the complaints of M^r Gorges & M^r Mason, about the extent of our patent l^jne, be by sending agents or attourneys to answer the same, or to answer by writing onely.

The answer of the elders to the quæstion proposed to them as aboue.

Ans^r. Itt seemes vnto vs the most expedient way of making answer vnto the complaints of M^r Gorges & M^r Mason, about the extent of our patent lyne, to doe it by appointing agents to appeare & make answer for us, by way of information at this time & in this case; provided they be, with vtmost care & caution, qualified as to their instructions, by & according vnto which they may negotiate that affayre with safety vnto the country, and with all duty & loyalty vnto his maj^je in the preservation of our pattent libertyes.

1676.

9 August.

Our reasons are, —

1. The justice of his majesties comānd, requiring us to giue our answer in this way, and to send an answer in writing only. Wee know not but some may interpret it to be a non observance and contempt of his majesties comānds. The rightfull comānds of politicall fathers ought to be obeyed for conscience sake. Romē 13: 5; Tit 3: 1.

2. The justice of our cause, which wee ought by all lawfull meanes & wayes to mainteine. Judges 11: 14, &c.

3. It is doubtfull vnto vs, whither an answer in writing onely will or may be accepted as any answer at all as the case now stands, or whither it will be credited whiles wee shrinke from it by our not imploying agents, limited as aforesajd.

4. Lest our non appearance should grattefy & give advantage vnto our adversary* to proceed vnto the obteyning a determination against us.

[*96.]

*5. The succesfull service which former agents thus imployed, in way of information, haue don for us, and Gods blessing vpon us in the improovement of this medium in times past.

6. Wee vnderstand that our freinds in England judge it both expedient & necessary.

7. Agents can most readily & fully answer all objections & complaints of Mr Gorges & Mr Mason in this present case, nor can our pleas & arguments be so pointed & pursued.

Elders advise
d^e in by Mr Tho.
Cobbet in all
y^r names; 24
p^{re}sent.

Courts resoluē.
Comittee to
prepare.

Fynally, some may interprett our not imploying agents to answer as aforesajd, that wee are afraid to appeare in our owne defence personally.

In order to answering of his maj^{ties} letter, and the two petitions of Mr Mason & Mr Gorge relating to our patent lyne in the said petitions, this Court doeth order that Symon Bradstreet, W^m Stoughton, Joseph Dudley, Esq^{rs}, Mr Peter Bulkley, Major Richard Waldron, Cap^t Jn^o Richards, Mr Humphry Davy, Cap^t Daniel Fisher, and the secretary being added to y^{em}, be a comittee to draw vp an address to his majesties, as also a full & large relation & declaration of our case relating to these petitions, inserting therein all evidences & testimonies vpon oath that maybe obteyned for cleering & proving all our allegations & assertions therein conteyned, (and that in order therevnto a comission be granted vnto Major Rich^d Waldron, Cap^t Elias Styleman, and Mr Edward Rishworth, or either of them, to examine wittneses & take their depositions,) and that our comittee draw vp a letter & instructions to some meet person in England, vnto whom we may send (by some fitt person from hence) the address to his maj^{ty}, and our answer to the petitions as aforesajd, ordering & desiring him to deliuer the same to his maj^{ty} accord-

Comission's to
examin & take
oath.

Letter & in-
structions to
be draune for a
meet p^{er}son.

ingly, and to appeare and make answer for us by way of information, as the case may require, and that this Court be adjourned vnto the sixth day of September next, at nine of the clocke.

1676.

9 August.

Whereas the Treasurer is ordered by law to issue forth his warrants for taking an estimate of all mens estates in the 5th moneth, which, vpon some occasions, hath been omitted, it is therefore ordered, that the Tresurer issue forth his warrants for the taking an estimate of all mens estates in the seuerall townes this moneth accordingly.

Tres^r order to
issue out his
warr's.

It is ordered, that Cap^t Thomas Prentice doe send forth some of the Indians that haue submitted themselues to the justice of this Court, to fetch in or destroy the ennemy that yet lyes out, and in case they bring in any of the sachems, they shall haue a suiteable reward.

Cap^t Prentice
order to send
out Indians,
&c.

It is ordered, that the souldjers of Meadfeild & Dedham that lately went forth on the countrys service, & brought in seuerall Indians, for their encouragement shall haue ten shillings ouer & aboue their wages, bringing a noate from Cap^t Daniel Fisher that they were the men in that service.

10^a a man for
Dedham &
Meadfeild soul-
diers.

*In answer to the peti^con of Anthony Low, humbly desiring the favour of this Court, that an act of indempnity be past for the former miscarriages of his wife, Francis, (formerly Francis Arnold,) she hath binn guilty of, or suspected for, & that she may haue liberty to returne wthout feare of being questioned or troubled, &c, the Court judgeth it meet to grant the peti^coners request.

[*97.]

Ans^r to Antho.
Lowes peti^con.
His wives lib-
erty.

It is ordered, that the case of M^r Samuel Bellingham, depending, be heard at the next meeting of this Court on the eighth day of September next, at nine of the clock in the morning, and that all persons concerned haue notice by the secretary accordingly.

M^r Belling-
hams case to
be heard 8th
Sept.

There hauing binn an omission at the Court of Elections to constitute persons in magistratticall power for the county of Dover & Portsmouth, it is ordered, that the present associates in that county for the yeare ensuing, invested wth magistratticall power, shall be Major Richard Waldron, Cap^t Elias Styleman, M^r Richard Martyn, & Cap^t Thomas Daniel.

Associate in
Douer & Ports-
mouth invested
wth magistratticall
power.

In ans^r to the petition of seuerall freemen & inhabitants of Yorkeshire, humbly desiring that Major Richard Waldron, of whome they haue had large experienc, maybe invested wth magistratticall authority in the county of Yorkeshire, as formerly, for the yeare ensuing, the Court grants their request.

Major Wal-
dron invested
wth magistratticall
authority
in Yorkeshire.

In answer to the petition of Elisabeth Adkinson, widdow, the Court judgeth it meete to referr the peti^coner to the County Court for settling hir estate, as the law directs, & respits any further answer till that be issued.

Ans^r to Elisa-
beth Adkin-
sons peti^con.
Courts ap-
pointm^t to
heare D^r Bel-
linghams case.

The case of D^r Samuel Bellingham, referring to his fathers will, hauing

1676.

9 August.

bin often ordered on hearing, but, through other vrgent publicke occasions, hitherto delayed, and Mr Wharton, his agent, being shortly to goe for England, it is ordered, that all partjes concerned be warned to attend tomorrow by eight of the clocke in the morning, and that then this Court will glue them an hearing to an issue.

At Mr Whartons request, y^e case at p^{re}snt was dismissed for wth of euident.

Mr Richard Wharton, attorney, in behalfe of Mr Samuel Bellingham, p^{re}snt p^{re}snt, against the executors of his honno^d ffather, Richard Bellingham, Esq^r, deceased, as also the sajd excecutors appearing before the Generall Court, the sajd plaintiff being called to declare his complaint, sajd that he could not well proceed, by reason of sundry of his wittnesses were absent; and at his request both partjes are dismissed.

Ans^r to Phmbe Blantons petition.

In ans^r to the petition of Phebe Blanton, widdow, the Court judgeth it meet to reffer the consideration of this petition to the sessions of the Generall Court in October next.

[*98.]

Comittees returne as Cap^t Scottows acco^t, &c.

*To the hono^d Generall Court now assembled at Boston, or in the vacancy thereof, vnto the honnored Gofino^r & council.

Whereas it was the pleasure of this honoured Court to appoint us, the subscribers hereof, for the examination & settling of such necessary arrears as doe belong vnto the county of Yorke, in order wherevnto wee applyed ourselves unto that worke, but finding some difficultjes referring to the accompts of Mr Scottow, brought vnto us by reason of seuerall complaints sent us by Major Pendleton, Mr Munjoy, & Mr Foxwell, & others, signifying their dissatisfaction relating to those aforesajd accompts, — the premisses considered, wee judge it necessary & most conducing on all hands to generall satisfaction, after the representation of the case, wth such allegations & prooffes as are appendant to this honoured Court, humbly to request their council & advice therein, vpon which considerations at present wee haue suspended any further actings. For these reasons, —

To be heard in October sessions.

1. As complaints doe declare, euidences doe proove, Mr Scottow did not any way concerne himself to take advise from or wth any publique persons amongst us about his procuring those souldjers from Boston, and therefore is conceived to be no great reason why the county should be concerned in their payment of such vnknoune charges. —

2. Mr Scottow denied to improove those souldjers himselfe when had, or to permitt others to doe it, either for the preservation of mens liues or estates, especially at such tjmes when the greatest mischeife might haue binn prevented & the ennemy most discouraged.

3. Because Mr Scottow improved those souldjers mostly for his oune

particular security & advantage, viz^t, to attend his garrison & strengthing thereof, clearing pallisadoes for it, pauing his yard, remooving of his barne, cleaving his wood, wth other benefitts hinted of, but, if euidence may be beleived, he litle minding the safety of the publicque interest to relieue the distressed vnder their deepest calamitjes, through which neglect wee doe much feare more then a few came to be extreame sufferers in the losse both of their liues & estates. Craving pardon for our bouldnes, wee take leaue to subscribe our selves your humble servants,

NICHOLAS SHAPLEIGH,
EDW: RISHWORTH,
SAM: WHEELWRIGHT.

1676.

9 August.

In answer to this returne, the Court judgeth it meet to refferr the consideration heereof to the sessions in October next, when all partjes concerned, having notice given them then to appeare, may mannage their concernes before the Court in order to an issue.

**At the Sessions of the Generall Court, specially called, sitting in Boston, the 6th of September, 1676.*

[*99.]
6 September

PRESENT, Jn^o Leueret, Esq^r, Go^v,
Sañ Symonds, Esq^r, Dep^t Go^v.
Symon Bradstreet, }
Daniel Denison, }
Thomas Danforth, }
W^m Hawthorne, }
John Pynchon, } Esq^{rs}.
Edw^d Tyng, }
W^m Stoughton, }
Thomas Clarke, }
Joseph Dudley, }

Deputyes present returnd to serve in August came also, & served at y^e session, som 3 or 4 excepted.

CONSIDERING the great charge doeth dayly accrew to the country by keeping of country horses in Cambridge, Roxbury, & other townes, it

1676. is ordered, that all country horses that are left at any toune, by souldjers or others, vpon publicque charge, & shall there continue aboue one month wth-
 6 September. out any owne^r challenging, shallbe by the comitte of militia of each toune sold to best advantage for the country, & the price payd in to the country Treasurer.

In ans^r to the petition of the inhabitants of Meadfield, the Court reffers the consideration thereof to y^e October sessions.

In ans^r to the petition of the troopers of Salem & Lynn, humbly desiring this Courts favour that their late captaine, Cap^t George Coruin, may be restored to his former comānd ouer that troope, the Court judgeth it meete to grant their request, & he, the sajd Cap^t George Coruin, is heereby restored to his former comānd ouer that troope.

In answer to the petition of Ralph Haughton, of Lancaster, it is ordered, that the petiōner be payd for his disbursments mentioned in his petition by the executo^rs of the late Tresurers, in case there be so much in his hands, or in defect thereof by the present Treasurer, his oune rate amounting to six pounds to the country, being discompted.

Major Hawthorne's farme layd out, returned & confirmed.

Layd out to the wo^rpp^l Willjam Hawthorne, Esq^r, six hundred & forty acres of land, more or less, lying in the wilderness, on the north of Groaten Riuer, at a place called by the Indians Wistequassuck, on the west side of the sajd hill. It begins at a great hemlock tree standing on the west side the sajd hill marked with H, and runns north and by east three hundred and twenty pole to a maple tree marked wth H; from thence it runns west and by north three hundred & twenty pole to a stake & stones; from thence it runns south & by west three hundred and twenty pole to a great pine standing in a litle swampe marked wth H; from thence it runns east & by south to the first hemlocke. All the lynes are rvnne, & the trees well marked. It contejnes a mile square, and is lajd out exactly square, as may easily be demonstrated by y^e platforme thereof inserted vnderneath, & is on file.

JONATHAN DANFORTH, Survejo^r.

The Court allowes & approoves of this retorne, so it interferes not wth former grants.

[*100.] *In ans^r to the petition of W^m Rauson, humbly desiring the favour of this Court to grant him a hearing of his case lately trjed at the Court of Assistants last, wherein he was plaintiff ag^t M^r Habbacuck Glouer, M^r John Glouer, & M^r Pelatiah Glouer for a just diuission of Newberys farme, left by the last

Ans^r to W^m Rawsons peti-
 tions as to hear-
 ing his 2 cases.

will of M^r John Glouer, Señ, to be æqually diuided betwene Habbacuck Glouer, Nathaniel Glouer, John Glouer, & Pelatiah Glouer, & their heires, the said Rauson marrying Ann, the sole daughter of said late Nathaniel Glouer, & his proportion of the rent thereof, as in the said will more amply will appeare, reference thereto being had. Also, to grant him a hearing of his case wherein he was plaintiffe against Abraham Briggs, deffendant, for his illegall & injurious suing & improoving his servant, W^m Hukely, so as he hath binn & is deprived of him, to his great damage, being deliuered to him by execution, &c, the Court judgeth it meet to grant the petitioner a hearing of these cases at the sessions of the Generall Court in October next, and that partjes concerned may haue due notice to attend the Court for the issue thereof accordingly.

1676.

6 September.

This Court, hauing fully heard and duely considered the case refferring to the instrument called the will of Richard Bellingham, Esq^r, late Gou^r, deceased, together with the seuerall pleas and allegations of M^r Richard Wharton, attorney to M^r Samuel Bellingham, plaintiffe, against the legallity of the said will, and of M^r James Allin & M^r Anthony Stoddard, appointed ffeoffees in trust, and executo^rs to the said will, deffendants, doe give their judgment in the case, that is to say, that the said will is illegall, & so null and voyd in law, and orders the chardg of hearing this case to be tenn pounds, as costs, to be payd out of the estate of the deceased.

The last will of y^e late Rich^d Bellingham, Esq^r, made null & voyd in law.

In answer to the petiçō of Ichabod Wisewall, James Giles, & Richard Collecot, in behalf of the distressed inhabitants of the county of Devon^s, it is ordered, that some convenient place wthin our pattent in the eastern parts may be so garrisoned & furnished wth men & aⁿnition as may be sufficient to keepe possession & mainteyne our interest there, & also to issue forth to the damnyfying of the ennemy, & that the men improoved in this service be those persons who haue lately deserted their habitations there, so many of them at least as are fitt for such employ, and the mannagement of this, both as to place & number of men, &c, is left to the honoured council.

Garrison to y^e eastward left to y^e council to settle, &c.

In ans^r to the petition of M^r Jonathan Tyng, this Court doth order, and hereby appoint Symon Bradstreet, Esq^r, M^r Humphry Davy, Cap^t Laurenc Hamond, & Cap^t Wayte to be a comittee to enquire into & settle his account, vnderwritt his petiçōn, together wth the account of Leif^t Hincksman, or any other of like nature, & to returne the same to the session of this Court in October next, for their approbation, or otherwise, as they shall see cause.

Ans^r to Jonathan Tyngs petiçōn.

[*101.]

*In ans^r to the petition of M^r Richard Wharton, attorney to M^r Samuel Bellingham, the Court judgeth it meet that administration to the estate of Richard Bellingham, Esq^r, deceased, be granted vnto M^r Samuel Bellingham,

Administration to y^e estate of y^e late Rich^d Bellingham, Esq^r.

1676.

6 September.
Committee to
examine y^e
ffeeffees acco^{ts}.

son to the deceased, and in his absence, to his lafull attorney, by the secretary, and that Edward Ting, Esq^r, Cap^t Lawrence Hammond, and Cap^t John Wayte be a com^{it}tee appointed to examine the accounts of the ffeoffees and ex-ecuto^{rs}, so called, to the pretended will of sajd Richard Bellingham, Esq^r, who are to make report of what they shall doe in pursuance hereof to the session of the Generall Court in October next.

It is ordered, that the addresse, wth the declaration annexed, be sent to his maj^{ty} by the hands of W^m Stoughton, Esq^r, and M^r Peter Bulkley, to present the same, wth such council as they shallbe advised to take vnto themselves there to mannage the same, to effect:—

To the Kings most Excellent Majesty.

The humble petition & address of the Gou^{no}r & Comp^a of the Massachusetts Bay in New England, in Generall Court assembled.

Most gracious & dread Soueraigne:—

[*102.] What the calamitous & deeply distressed estate of this your maj^{ties} colony, (in conjunction wth its neighbours & confederates,) labouring vnder the wofull and tragick effects of more then a yeares cruel and vninterrupted warr with the natives, hath been, & was, at the time of the arrivall of your maj^{ties} gracious letter by M^r Edward Randolph, relating to the clajmes of M^r Gorges and M^r Mason, hath of late been humbly informed, by the account given to M^r Secretary Willjamson to bee presented to your royall selfe, w^{ch} wee hope hath obteyned a gracious reception, and our necessary apology therefrom for our no sooner yeilding a full obedience to your majesties royall com^{ands} a like acceptation. Since that tyme it hath pleased Almighty God, to whom vengeance belongeth, to plead our cause against the insolent heathen, both by laying a restreint vpon them, and thereby, for a season, giving vs respite from their violent *and depopulating incursions, as also by making the expeditions of your loyall subjects against them in our southern & western parts so farr prosperous, that multitudes of them, together wth their sachems, principall counsello^{rs}, & com^{anders}, yea, Phillip himselfe, whose head & hand were first in the designe, are cutt off & destroyed, most of the remainders being forced either to submitt to mercy, or to quitt their old and seeke new habitations farr remote in the wilderness. This singular smile of divine Prouidence gaue us faire hopes of such a calmness & composedness in our publicke affayres as might well suite with our intended conuening, and best further our desires & resolution of attending your royall pleasure signified to us; but suddainly & vnexpectedly wee are allarum'd by the irruption & treacherous villany of a new ennemy (together wth some of the former) springing vp in those eastern parts,

1676.

6 September.

concerning which the controuersy betweene vs & the complaynants against us doth arise, so that at the same tyme when the high (though most vntrue) imputations & vnworthy reflections cast vpon vs by our accusers (whose confidence therein wee are made not a litle to wonder at) doe call us to majteyne our title, & justify our proceedings in the court of our gracious soueraigne. Wee are necessitated once againe, with the vttermost hazard of our persons & great expence of our estate (so deeply exhausted before) to defend the liues of yo^r majesties subjects in those places crying aloud for succour, & to dispute your majesties & our oune possession in the dismal deserts wth a bloody and barbarous ennemy, yet are wee, royall s^r, most willing in observance of your maj^{ties} comānds, (humbly craving that benigne construction which the favour of our patent entitles vs vnto, & your majesties princely candour suffers vs not to doubt of,) to offer our pleas, & produce our euidences in this matter, which, being weighed in the ballance of yo^r royall & impartiall judgment, will appeare (wee presume) such as will abundantly cleare vp our right to those easterne parts to be vndoubted, according to the plaine intent and necessary sence of the words of our patent, and sufficiently make it appeare that our ad^mnistrations of government there haue been no ways derogatory to your maj^{ties} honno^r, nor prejudiciall to your royall interest in this wilderness, but many wayes beneficiall, as also satisfactory to the inhabitants, your *majesties subjects, vpon that place. Sure wee are (& heerein wee doubt not to make our appeale to the Searcher of hearts) that no intention of wrong to the claymo^rs, no vnlawfull designe of enlargment of our borders, no proffitt or advantage thereby accrewing, (the contrary whereto wee haue hitherto found,) but a grounded apprehension of our interest, reall compassion to the petitioning inhabitants in an vnsetled and suffering condition, together wth a sence of duty incumbent to be faithfull to our patent trust, did cause us to receive them vnder the wing of your maj^{ties} gouernment in this colony established. The further mannagement of our defence as to these our proceedings complayned of, by a more full and particullar information, and presentment of what wee haue to say for ourselues, wee haue betrusted wth M^r Willjam Staughton & M^r Peter Bulkly, for whom, as for ourselues, with most humble prostration, wee begg your majesties countenance & favour. And heerein, great s^r, wee are not a litle encouraged, not only by that new & ample testimony of your majesties royall justice manifested in reserving an open eare for yo^r poore subjects at such a distance, & princely favo^r in transmitting the copies of the complaints exhibbited, affording time & oppertunity to appeare for our defence, but also by a large & long continued experienc of your maj^{ties} gracious disposition & respect to us & our concernments, that wee cannot but most

[* 103.]

1676. gladly declare, that therevnto, next vnder God, wee owe it, that none of those many injurious suggestions, vnjust criminations, & renewed solicitations against us, by persons ill affected to our constitution & welfare, (designed to create an impression of displeasure in your royall brest towards us,) haue not hitherto preuayled. That this your maj^{ties} gracious aspect should suffer an eclipse (especially now in the day of our trouble, bespeaking the influences of your fatherly comisseration) wee haue as litle cause to beleive, as wee are humbly confident wee haue binn industriously carefull not to incur the forfeiture thereof, but solicitous aboue all earthly things to preserve and to maynteyne the same by approving ourselves,

Royall Soueraigne,

Your maj^{ties} most humble and loyall subjects,

J. L., Gou^r, in the name &

by order of the Ge^{all} Court.

[*104.] *A breife declaration of the right & clajme of the Gofino^r & Company of the Massachusetts Bay in New England to the lands now in their possession, but pretended to by M^r Gorge & M^r Mason, together wth an answer to theire seuerall pleas & complaints in their petitions exhibbited, humbly presented & submitted by the said Gofino^r & Company to the kings most excellent majesty, as their defence.

In the yeare of our Lord 1628, in the third yeare of his late maj^{ty} Charles the First, of happy memory, seuerall loyall & piously disposed gent^a obteyned of y^e Great council of New England a grant of a certeine tract of land lying in New England, described & bounded as therein expressed, w^{ch} was in all respects fairely & openly procured, and wth so good an intent of proppogating the gospell among the natives, & to advance the hono^r & dignitje of his late maj^{ty}, of happie memory, that they were bould to supplicate his said maj^{ty} to superadd his royall confirmation thereto, which accordingly, in an ample & royall charter, was passed, & remaines vnder the broad seale of England, March the 4th, 1629, in the 4th yeare of his maj^{ties} reigne, with further additions & enlargments well becoming so royall a maj^{ty}, & suitable for the incouragment of so hazardous & chargeable an adventure; in pursuance whereof, many of the said patentees, and other adventurers, transported themselves & estates, and settled in the most knowne & accomodable parts of those lands conteyned in the said charter, neither time, estate, nor power suffering them speedily to survey the just extent of their lymitts. Not many yeares different in tyme, seuerall others also of his maj^{ties} subjects obteynd other grants, & made seuerall settlements in the more northerne & eastern parts of the

country, with whom, for seuerall yeares, wee had neighbourly correspondence, being, as they supposed, wthout the l^ymⁱttts of our patent, amongst whom the present claymers & petitioners were. These grants, partly by reason of the smaleness of some of them, & partly by reason of the darke, involved, & dubious expression of their l^ymⁱttts, brought the inhabitants vnder many entanglements & dissatisfactions among themselues, which (there being no settled authority to be applyed to, being deserted and forsaken of all such as, by uertue of sajd grants, did clajme jurisdiction ouer them, & had made a succesless essay for the settlement of gouernment among them) prooued of sofi continuance, vnto the great disquiet & disturbance of those his maj^{ties} subjects that were peaceable & well disposed amongst them; to remedy which inconvenience, they betooke themselues to the way of combynations for gouernment, but, by experience, found it ineffectuall. In this tyme, ignorance of the northerly runing of Merrimack Riuer hindred our actuall clajme & extension of gouernment; yet, at length being more fully settled, and hauing obteyned further acquaintance and correspondency with the Indians possessing the vppermost p^{tes} of that riuer, encouraging an adventure, as also frequent sollicitations from the most considerable inhabitants of those eastern parts, earnestly desiring us to make prooffe of & assert our interest, wee imployed the most approved artists that could be obteyned, who, vpon their solemne oathes, made returnes that, vpon their certeine observation, our northern patent l^yne did extend so farr north as to take in all those townes and places w^{ch} wee now possess, which when the inhabitants, as well as ourselues, were sattisfied in, (vr^{gd} also wth the necessity of gouernment amongst them,) they peaceably & *voluntarily submitted to the gouernment of the Massachusets, viz^t, Douer, Squampscot, & Portsmouth, anno 1641; Kittery, Yorke, & Wells, anno 1652 & 1653; from which times vntill the yeare 1662, when there was a smale interuption by a letter of M^r Gorge, & afterwards, in the yeare 1665, (when his maj^{ties} co^missioners, Colonell Nicholls & others, came ouer,) the inhabitants of those parts liued well sattisfied & vniinterrupted vnder the Massachusets gouernment; but then the sajd co^mission^s, neither regarding the Massachusets just right, nor the clajmes of M^r Gorge & M^r Mason, settled a new forme of gouernment there; but this hardly outliued their departure. The people, impatient of innovations, and well experienced & sattisfied in their former settlement, quickly & quietly returned to order againe, and so continue vnto this tyme.

1676.

6 September.

[*105.]

This is, in a few words, the true state of the matter; for the further illustration whereof, & justification of our proceedings therein, & vindication of ourselues from the reproachfull imputation of vsurping authority ouer his

1676.

6 September.

maj^{ties} subjects in the easterne part^l pretended to, wth other scandalls cast vpon us by the petitioners, wee humbly p^sent the ffollowing pleas by way of demonstration, & argue, —

1. That our extension of government to those easterne parts clajmed is agreeable to our indubitate patent right. Our patent, according to the express termes therein conteyned, wthout any ambiguity or coulour of other interpretation, lyes betweene two east & west parralell lⁱnes, draune from the most southerly parte of Charles Ryuer, and the most northerly part of Merremacke, with three miles advantage vpon each, which, vpon the observation of men of approved & vndoubted truth, vpon oath, are found distant one degree & 49 minuits, north latitude, being to extend in full latitude & breadth from sea to sea, (ut interminis,) and therefore cannot be bounded by many hundreds of infinite numbers of lⁱnes, as the Ryuer of Merrimacke maketh bends or angles in two hundred miles passage from Winipasekek Lake to the mouth thereof, which to imagine, as it is irrationall, so would it involve us and any borderer in so many inextricable disputes as are by no wayes to be admitted by a prince seeking his subjects peace. Besides, were such a construction allowable, (which, with vttermost streyning, is,) yet all favorable interpretation is to be afforded the patentees by the gracious expression of the charter.

Now, according to the aforementioned observation, (so confirmed,) all those easterne plantations challengd by our opponents (vt supra) are comprehended wthin our northerly lⁱne. Wee deny not but the artists of ourselues, and if any question thenc arise, wee feare not to submit to tryall to the most exact & rigorous test that may be.

The invincible strength of this our first plea may further apeare by the consideration of the frivolous and insignificant allegations of the petitioners in opposition therevnto, viz^t: 1st. The non extension of our lⁱne or assertion of our right to those easterne p^{ts} for some yeares; ignorance, as our case was circumstanced, debarring no man of his just right; neither cann it reasonably be supposed that the exact survey *of so large a grant in so hideous a wilderness, possessed by an ennemy, would be the worke of a few yeares, our oune pouerty not affording meanes, and our weaknes (allowing no deepe adventure into the country) permitting vs not to vejw the favorable runing of the riuer, which none can imagine altered its course by our delay. Wee may aswell be deprived of farr more then wee possesse or euer saw on our westerne parts to the south sea, (w^{ch} none will deny,) because wee haue not surveyd it, or are soone like to be able, as be taken from our northern right, so obvjous to y^e meanest artist.

2^{ly}. The possession house in Hampton, of so litle signification, & so long

[*106.]

since disvved, that M^r Mason hath forgott the name thereof, and calleth it Bound House, relected to give the world to know that wee clajmed considerably to the northward of our then habitations vpon the Bay, though wee did not know the vttermost extent of our right, our fathers not being so ignorant of the lawe of the realme to which they did apperteine as to suppose the taking possession of part did debarre them of the remainder, but the contrary.

And wee challenge M^r Mason, or any on his behalf, promising our records shall be open to the most scrutinous search, to proove it, either called or intended, according to his abuse thereof.

3^{dy}. That notorious falsehood of stretching our right to neere fower hundred miles, north & south, more then formerly, wee were satisfied with, our whole breadth being but one hundred & nine mile, w^{ch} is not much more then a quarter pte of what he would haue the world beleive our new clajme and (as he would insinuate) vsurped territory doth containe, arising (wee would in charity beleive) partly from ignorance of the coasting of the country, M^r Mason accounting by the sea side, and, wee suppose, casting in the measure of euery harbour and coue to make vp that calculation, w^{ch} ljes, much of it, due east, and not to the north, but wee feare malevolently suggested (as many other things as of litle credit) to introduce into his maj^{ty} his royall breast a beleife that wee are vnreasonable in our pretentions, and so vnworthy of his maj^{ty}'s favour, which wee hope such vnlawfull endeavours will neuer be so prosperous as to obtayne.

What may be further added to this our first plea maybe suppljed from the reasons formerly presented. Wee vrge, secondly, the invaliditje of those grants pretended to by the petiçōners, which are of two sorts: 1st, such as beare date after ours, which wee see no reason to feare any interruption from; secondly, such as are pretended to beare date before ours, against which wee object that they are not authentick, wanting a sufficient numbers of granters to make them so, none of them (as wee presume will appeare vpon tryall) hauing sixe hands & seales annexed to them, the sajd council of New England, consisting of forty, and his maj^{ty}'s grant *to them, expressly requiring (as wee are informed) seuen, at least, to signe to make any valid act; and, indeed, M^r Masons oune often vn wearied renewall of his grants in 1621, sixteen hundred twenty two, sixteen hundred twenty nine, & 1635, (as he saith,) tacitly confesseth the same invalidity in the former putting him to charge for the latter, till at last he fell into such a trade of obteyning grants that his last and most considerable was sixe yeaes after the grant of our charter from his maj^{ty}, and but three days before the sajd councils declaration of their absolute resolution to resigne, and but a few dayes before their actuall surrender, as he asserts;

1676.

6 September.

[*107.]

1676.

6 September.

w^{ch} of what value & consideration it is from the said couñil, circumstanced vnder a necessity of resignation of their great charter, procured rather by the clamor of such ill affected persons as the present complajnants then by any true account of dissetlement or ill manngement here, is not difficult to judge. Hence it appeares, first, how litle reason M^r Mason hath to brand us wth fraude or sirruptiousnes in obteyning our charter, which hath most shew of fraude and sirruptitious procuracion, a sufficient number of those hono^{ble} persons subscribing ours, and fewer his pretended antidated grants, is easy to determine; in which assertion is to be observed the high reflection cast vpon the memory of his late majesty and ministers of state, groundlesly rendring the couñils seale, yea, the great seale of England, exposed to fraude and deceitfull clandestine practises; yea, vpon his present majestje insinuating himself better acquainted wth matters of state then he who allowes and confirmes our grant as authentick by his gracious letter of sixteen hundred sixty two, which intollerable bouldness, how vnbecoming (not to say more) in a subject, it is not easy for us to say; to all which wee may add S^r Ferdinando Gorges application to the authority heere to interpose in his affayre, which he, being one of the great council, would haue binn farr from acknouledging, had M^r Masons allegations binn founded vpon trueth. Secondly. That articles of charge depending vpon such illegall and post dated grants cannot take place against us, were their disburse as great as it is affirmed, which, by eye wittnesses vpon the place, and still liuing, are prooved comparatively very incon-sidderable.

3. Wee affirme that the whole manngement of the affaire respecting our gouernment of those easterne parts was in an orderly and peaceable way, and not wthout the reitteratted and earnest solicitation of most of the people there inhabitting, sufficiently appearing by their seuerall petitions; and wee challenge M^r Gorges and M^r Mason, by any living euidence or reccord, to shew any signe of a forcible entrance; some magistrates, vpon the clearing of our right to them, and acceptance of the tender of themselues to us, being sent thither without any other force then each of them a servant to attend them. Indeed, some yeares after, Cap^t Bonigthon, for mutinous carriage, was seized and brought to justice; concerning w^{ch}, and many other cases, many inhabitants yett liuing, & eye wittnesses, cann give in the most impartiall euidences. Wee offer, —

4th. To consideration, that the deserted & vngoverned state of the people
[*108.] of those places, *had wee not had that patent right so clearely evinced, might warrant our actions, especially considering the obligation vpon it to secure his maj^{ties} honnor, & mainteine the publick peace, so hazarded by the totall want

1676.

6 September.

of government amongst them, our first exercise of jurisdiction being in the yeare 1641, eight yeare after Cap^t Neale, agent for M^r Mason, had wholly deserted the improovement of land and the gouernment of the country, which indeed he neuer vsed but one yeare; for in the yeare 1630 he first came ouer, and in the yeare 1634 he quitted the place, and in the interim neglected the same in making a voyage for England, the short time of his tarriance not admitting of settlement of gouernment or improovement. Wee may hereto subjoyne, that M^r Joseph Mason, agent for M^{rs} Ann Mason, when here, and all things were fresh in memory, made no demand contrary to what is affirmed, but petitioned our justice against his debtors there and elsewhere, and that S^r Ferdinando Gorges, his grant being so meane & vncertainly bounded, that he knew not well how to finde, much lesse to improove it to considerable advantage, by his letter, bearing date [^] doth devolve the whole charge & care of his pretended province vpon the authority heere established.

Lastly. That the exercise of jurisdiction in those easterne parts hath binn and is his maj^{ties} honor, the peoples great bennefit, and our charge wthout proffit, which, had it not binn the ruine of those parts, would haue vnavoydeably ensued in the want of all gouernment, and their seizure by the French, who ever wayted a fit oppertunity for the same. They haue part of them for 35 yeares, & others ^{twentv}₂₀ yeares, (some small interruption intervening, producing the stronger inclination & resolution in them to be constant to his maj^{ties} authority here,) liued vnder the gouernment of the Massachusets a quiet, well ordered, and thriving people; and as for any complaint from ill affected persons, it is well knowne that the best and wisest gou^{rn}^t is not wthout disquiet from some such; and no wonder if silly people are soone affected wth such faire glozing promisses as M^r Mason hath made and published, as it were determiⁿg the case before trjall by his late letters to the inhabitants in those parts; and that our gouernment in those places haue been no gaine, is so vnquestionable a trueth that neuer was any levy layd vpon them for the supply of the publick treasury, though much hath binn, and is further like to be expended for their security, who otherwise will inevitably become an easy prey to the heathen, now in hostility wth us, and at this present time raging in those partes.

*Orders & instructions for W^m Stoughton, Esq^r, & M^r Peeter Bulkley, messengers for England, to present our defence in reference to the clajmes of M^r Gorges & M^r Mason.

[*109.]

16 September.
Messengers in-
strucons.

1. That yow take the first oppertunity to imbarcque yo^rselves for London, thoroughly & considerably parvsing the declaration & defence now

1676. deliuered unto you, observing the arguments, & pointing the evidences accordingly.

16 September.

Vpon your arrivall there, yow are to make your application, by one or both of the secretaries of state, to the kings majesty, deliuering our addresse, and giving his majesty to vnderstand, that in obedjence to his comānds, the Gouverno^r & Generall Court of the Massachusets colony in New England haue sent you to give his majestie satisfaction touching the rights of our patent, & our actions in the prosecution of that our right, in answer to the pretensions & accusations of M^r Gorges & M^r Mason respecting the same.

2. To all other clamours & accusations, yow shall answer, yow haue no order nor instruction, being sent only to give his majesty satisfaction in the particullar by him required.

3. If, therefore, any particullar persons should molest you concerning any pretensions against the country, yow shall craue his maj^{ties} royall favour & protection, that you may be free to attend his majesty according to his comānd, & with his maj^{ties} leaue be at liberty to returne to those that sent you.

4. If notwthstanding our present defence, and your further argumentations thereon, yow shall finde cause, yow are then humbly to craue his maj^{ties} fauour for tyme for a further answer from hence.

5. In case an answer be demanded of you to the memoriall of the Dutch ambassador presented to his maj^{ty}, a full answer shall be given by the next passage.

6. Yow are by all conveyances from tyme to tyme to give advice to this Court, or to the Gouvernor & council, of your proceedings herein, endeavoring as quicke a dispatch & returne as the necessity of the affaire will admitt.

Was signed by the Gou^{rnor} in October follōg.

16 Sept, 76.

J. L. Gō.

Comittee about
y^e Indians.

Whereas it is incumbent vpon this Court to dispose of such Indians as are peaceable amongst us, and also of such as are come in vpon former proclamations or articles, or may come in vpon future proclamation, and submitt to mercy,—it is therefore ordered, that Majo^r Thomas Clarke, Cap^t John Wayte, Leiftenā^t Thomas Hincksman, & Lef^t W^m Johnson shall & heereby are empowred a comittee to consider, draw vp, & present to the next session of the Generall Court what they judge is meete to be donn in this affaire.

An^st to Phillip
Eastman peti-
tion for freedom
from rates.

In an^s to the petition of Phillip Eastman, humbly desiring this Courts favour, considering his late captivity wth the Indians, & losse, that he may be freed from the payment of such rates as haue binn or maybe levyed this yeare for the vse of the country, the Court grants him his request.

There being many of our Indian ennemyes seized, & now in our possession, the Court judgeth it meete to referr the disposall of them to the honoured council, declaring it to be their sence, that such of them as shall appeare to haue imbrued their hands in English blood should suffer death here, and not be transported into forreigne parts.

*In ans^r to the petition of M^{rs} Mary Atwater, the Court judgeth it meet to grant hir request; & power is hereby granted hir, the sajd Mary Atwater, to make a firme deed of sale for sajd house & land to M^r Nicholas Paige, as is desired.

Whereas, at the firing of Major Apletons tent at Narraganset, diuers armes & clothes were lost by the fier belonging to particullar persons, a lyst of whom is taken and in the hands of Cap^t Swayne, then leif^t to Major Apleton, who heeretofore haue rec^d no satisfaction for the same, this Court doth order, that reparation be made by the country to the persons damnified by the sajd fire, and that the com^{it}tees of militia in the seuerall townes doe allow damages vpon the accounts aforesajd, & enter them among the disbursments of the sajd townes.

Instructions for Willjam Stoughton, Esq^r, & M^r Peter Bulkeley, our messengers, now chosen for to goe for England to present our deffence, in reference to the clajmes of M^r Gorges & M^r Mason.

1. That yow are to take the first oppertunity to imbarque yourselues for London, that yow thoroughly & considerately pervsing the declaration & defence now deliuered vnto yow, obseruing the arguments, & pointing the euidences accordingly.

2. Vpon your arrivall there, yow are to advise with such freinds as yow are acquainted with, or may be directed to concerning the best manngement of the busines betrusted wth you; and in particullar yow are to make your application to the Earle of Anglesey, & such other lords of the council as yow shall vnderstand may haue any kindness for us, to craue their lord^{sh}ps favour in our cause, and for your quicke despatch.

3. According to sajd advice and your best wisdome, make your applications by one or both of the secretarjes of state to the kings majestje, giving him to vnderstand, that in obedience to his com^{and}s, the Gouvernor & Generall Court of the Massachusets haue sent yow to give his majestie satisfaction touching the rights & extent of our patent, and our actions in the prosecution of that our right, in answer to the pretensions & accusations of M^r Gorges & M^r Mason.

4. Yow shall represent to the king & council the inconsiderableness &

1676.

16 September.
Indians left to
y^e council to
dispose of by
death, &c.

[* 110.]

Ans^r to Mary
Atwaters peti-
tion, &c.

Com^{it}tees to
repaire dam-
ages donn by
fire at Narra-
ganset.

1676. smale worth of those easterne parts, that they cannot advantage the estates of the claymants, had they ^

16 September.

5. Yet notwithstanding, if yow finde a sūme of mony will take them off from further prosecution of their pretensions, and that they are willing & doe resigne & release all their interest to those parts vnto us, and that that may be a fynall issue, yow shall engage in that way as yo^r discretion shall direct.

[*111.] *6. To all other clamours & accusations yow shall answer, yow haue no order or instruction, being sent only to give his maj^{ty} satisfaction in the particullars by him required.

7. If therefore any particullar persons should molest you concerning any pretensions, yow shall craue his maj^{ties} royall favour & protection, that yow maybe free to attend his maj^{ty} according to his comānd, and wth his maj^{ties} leaue to be at liberty to returne to those that sent you.

8. In case an answer be demanded of you to the memoriall of the Dutch embassad^r, presented to his maj^{ty} concerning the dispossessing the Dutch of Noua Francia, you shall attend the order given you by the Gouvernor & council, or assure his maj^{ty} a full answer shall be given by the next passage.

9. If, notwithstanding our present defence, & your further argumentations thereon, yow shall perceive judgment like to proceed against us, yow may then craue his maj^{ties} favour for tyme for a further answer from hence.

10. That yow doe, by all conveyances, from time to tyme, yow give advice to this Court, or to the Gouēno^r & council, of your proceedings heerein, endeavoring as quick dispatch & returne as the necessity of this affaire will admitt.

Whereas this Court hath determined, in ans^r to his maj^{ties} letter respecting M^r Gorges & M^r Masons complaints against the country, to send ouer to England, in such a way as may most conduce to our effectuall vindication before his majesty in that respect, which will necessarily call for a supply of moneys there for the carrying on of the same, this Court doeth order, that the Tresurer of the country be desired, and he is heereby impowred, on the behalfe of the country, to take vp, either heere or in England, or both, so much mony as shall be necessary for the mannaḡment thereof, and the same to be vpon the credit of the country, this Court engaging full satisfaction from the publick treasury vnto all persons so disbursing.

Christopher Palmers, of Hamptons, petiçōn is refferreed to the consideration of the sessions of the Generall Court in *in* October next.

Samuel Porter, of Hadley, hauing expended & disbursed considerable sūmes on the countrys account, & p^ticullarly hauing taken care of most of the wounded souldjers at Hadley, for their prouission & comfort laying out of his

oune money, & borrowing money to procure necessaries for them, his accompts not being yet passed, w^{ch}, as he affirms, amounts to neere two hundred pounds, w^{ch} the country owes him, vpon his earnest desyre that a smale p^t of his due may be at present allowed him, & he will be content to stay for the rest, it is ordered, that the Tresurer pay the said Porter, in part of his due in money, twenty five pounds for the present.

1676.

16 September.

**Att the second Sessions of the Generall Court, held at Boston,
the 11th of October, 1676.*

[* 112.]

11 October.

PRESENT, Jn^o Leueret, Esq^r, Go^r,
Saml Symonds, Esq^r, De^p,
Symon Bradstreet,
Daniel Dennison,
Thomas Danforth,
W^m Hathorne,
John Pinchon,
Edw^d Tyng,
W^m Stoughton,
Thomas Clarke,
Joseph Dudley.

The names of y^e deputjes as in May, &c.

V^PON the humble peti^on of Daniel Hoare & Nathaniell Wilder, presented to this Court, aknouledging the justice of this Court, & begging pardon for their liues, the Court haue granted their petition, and accordingly doe remitt the sentence of death passed against them, and order, that they pay prison chardges and tenn pounds apeece money, half towards the charge of witnesses, to be paid to the Tresurer of the country, and the other halfe to Andrew Pittime, & Swagon, y^e Indians prosecuting against them; on pay-ment whereof they are dischargded.

There being seuerall cases refferred to the sessions of this Court to be heard, it is ordered, that Fryday next, being 13th instant, at nine of the clocke, be the time appointed for the begining thereof successiuey, and all parties concerned haue notice given them accordingly.

In answer to the peti^on of Robert Cox, in behalfe of Sebastian, negro, his servant, the Court judgeth it meet to grant the peti^oners request, the life

1676.

11 October.

of the said Bastian Negro, and orders, that the said Bastian be seuerely whipt wth thirty nine stripes, and allwayes to weare a roape about his neck, to hang doune two ffoot, that it may be seene, whilst he is in this jurisdiction, and when euer he is found wthout his roape, on complaint thereof, to be seuerely whipt wth twenty stripes, and discharging the prison charges, to be releast & discharged the prison.

Right hoⁿorable: —

His majesties gracious letters of the 18th of the 12, 7⁵, refferring to the memoriall of the Dutch embassado^r, was received the third of the seventh month, 1676, and by the Gouverno^r co^mmunicated to the Generall Court, who being so farr sencible of our oune necessity, and the misinformation of the States Generall, and complaints therevpon to his majesty refferring to that matter, that our hopes a bare narrative of that transaction, wthout any plea or defence therevpon, is sufficient for our excuse and satisfaction to his majesty, which breifely and truly wee haue draune vp to be presented to his majestys hands, and haue co^mmitted the same vnto our worthy freinds, M^r W^m Stoughton and M^r Peter Bulkley, whose accesse to his maj^{ty}s, and dispatch of this and other buisnes co^mmitted to them, wee pray your honno^r to be assistant in, and wee shall acknowledge ourselues further obliged to pray for yo^r hono^rs happiness, & remajne,

Your humble servants,

J. L., G.

To the Right Hono^rable S^r Joseph Williamson, one of his maj^{ty}s principall secretarjes of state.

[*113.] *Right hoⁿorable: —

12 October.

In obedience to his majestjes co^mmands in Nouember last, brought to us by M^r Edward Randolph in June last, wee hope, by the first oppertunity wee had of assembling, appointed and sent our worthy and honoured ffreinds, M^r Willjam Stoughton & M^r Peeter Bulkley, members of our society, by whom wee haue sent our answer and defence to the accusation & misrepresentation made against us by M^r Gorge and M^r Mason, in refference to their pretended clajmes, from & by whom we doubt not but his majestje will receive full satisfaction of our innocency and the justnes of our actions respecting their pretensions; and how pittifully those gentlemen will find themselves mistaken in theire expectation of great advantage, which, in its best estate, would be of no value, and no considerable and much lesser, a great part thereof being wasted and destroyed by the ennemy, notwthstanding all the helpe and assistance

wee afforded for their succour, and are yett continuing the same charge, of which the gentlemen bearers heere cann fully acquaint your hono^r, in whose behalfe wee humbly begg your hono^r's favour and assistance to procure them accesse and admittance to his gracious majesty, & as speedy a dispatch as the necessity of more vrgent affajres will permitt. Your favour heerein will oblige vs to a thankfull acknowledg^{mt} & mannifestation that wee are,

Your hono^r most humble servants,

The Generall Court of y^e Massachusets,

J. L.

Boston, October 12.

For the Right Hon^{ble} Henry Couentry, Esq^r, one of his majestjes principall secretarjes of state.

Right Hon^{ble}: —

The Gouvernor & council, calling us to meet in Generall Court, vpon our coming together acquainted us wth his maj^{ties} comānds of the tenth of March, received the 10th of June by the hands of M^r Randolph, as also what returne they had made to your hono^r, excusing their not so speedy calling the Generall Court, by reason of the warr, & an epidemick sickness the Lord was pleased then to afflict the country with, & giving your hono^r to vnderstand that, to answer his majestjes comānds, & to reply to the hard & vnjust charges layd vpon the gouernment of this his majestjes colony of the Massachusets by M^r Gorges & M^r Mason in their petitions, was most propper for this Court. The matters alleadged against us wee haue now had vnder serious consideration, and haue made diligent search into the reccords of what heretofore passed, and haue made a diligent enquiry of the old planters yet surviving, that were *cye witnesses, and well acquainted wth the transactions of those times in the begining of these plantations, and accordingly haue transmitted our answer, wth the proofes therevnto; and, for his maj^{ties} more full sattisfaction, haue desired & sent our honoured & respected freinds, M^r Willjam Stoughton & M^r Peeter Bulkley, both members of the Court, to be our messengers to present the same to his majesty; and that they maybe the better forwarded in their application to his majesty, wee doe heereby make bold to reco^mend them to your hono^r's favour & assistance, who will wayte vpon your hono^r, whom yow will finde able & ready to give your honno^r account of the present state of the country, both in reference to the warr, & Gods hand vpon it by sicknes; & wee haue the greater confidence off your hono^r's goodness towards vs heerein from the assurance yow were pleased to give vnto our Gouverno^r of yo^r affectionate incljnation to serve this poore people. Thus, crauing your hono^r's

1676.

12 October.

[*114.]

1676.

12 October.

pardon for this bold trouble, wee pray for yo^r hono^rs prosperity here & heere-
after, & remajne

Yo^r hono^rs humble servants,

The Generall Court of y^e Massachusetts.

J. L., G.

These ffor the Right Hono^rble S^r Joseph Willjamson, one of his maj^{ty}s
principall secretaries of state.

It is ordered, y^t the secretary joyne wth Cap^t Hamond, M^r Humphry
Davy, & M^r Isack Addington for y^e examining & preparing all writings &
letters to be sent by our messengers for England, &c.

Tresurer to pay
25th money for
y^e messengers
accommodation.

Messengers having binn sent to M^r Anderson, master of the ship now
bound for England, as to fitt accomodations for the hono^rd gentlemen now
bound for England, haue mad agreement wth the sajd master for transportation
of the sajd gentⁿ and two attendants, wth such prouission and other necessarjes
as they shall need, for twenty fiue pounds, in money, to be paid forthuith by
the Tresurer, in New England money.

Lawrence Wa-
ters satisfac-
tion.

In answer to the petition of Laurence Waters, of Lancaster, humbly
desiring the favour of this Court to order the payment of his accounts men-
tioned in his peti^{ti}on, of seven pounds fiuteen shillings & fower penc, or
thereabouts, due to him from the country, his rate of forty two shillings being
deducted, the ballance may be paid him, being aged & blind, &c, it is ordered,
that the Tresurer make payment to the peti^{ti}oner the sume aboue mentioned,
prouided that if it is belonging to the old Tresurer, & not charged in his
account, that he passe it to the new Tresurer.

[*115.]

Sixe county
rates.

*The Court, being very sencible that moneys are much wanting to carry
an end the present designe against the Indians, doe therefore order, that sixe
country rates be levyed on the seuerall tounes in this jurisdiction by the
selectmen & constables, and paid in to the Tresurer, for the payment of
souldjers, & such other matters in order to the warres as is necessary; the
one halfe by the twentjeth of Nouvember, and the other halfe by the twentieth
of March next. And it is ordered, that the assessments of the tounes by the
seuerall com^{is}sioners of the countjes shall stand, and the rates be levyed
according to thei^r l^{is}ts.

In w^t y^e coun-
try rates to be
p^d in.

It is ordered by this Court, that all such as haue not paid their former
rates shall pay what is behind at the same prizes of corne, &c, as the sixe
rates are to be paid in now ordered to be paid.

It is ordered by this Court and authority thereof, that all sorts of corne

to be paid in the sixe country rates now to be leyed shallbe paid into the country Tresurer at these prises following, viz^t, wheat at fiue shillings, new barly brought in season, barly mault, rye, & pease at fower shillings p bushell, Indian corne, of y^e groweth of this country, three shillings, oates at two shillings p bushell, & all good & merchantable corne, & to be brought in to the Tresurer wthout any allowance for charge of carriage; and all other things paid in the country rate to be at money price; provided that if any pay money, to be abated one foweth part; provided, also, that no horses or leane catle be paid in the said rates.

1676.

12 October.

In the case now depending in Court wherein Willjam Rauson is plaintiffe, by petiçōn, against Abraham Briggs, deffendant, touching one Willjam Hukely, a servant of the said Willjam Rawson, the Court, on a full hearing of the case, and on due consideration of what hath binn pleaded & alleadged by both partjes therein, doe finde for the plaintiffe a reversion of former judgments in the case, and that the said Briggs doe forthuith restore or deliuer to the plaintiffe his said servant, or, in defect thereof, to pay the sume of forty pounds, according to the bond formerly given, & costs of Court eight pounds fuetteen shillings & eight pence.

Courts judgment in Rawsons case ag^t Briggs.

This Court, having heard the complaint of M^r Rishworth exhibbeted against Captaine Scottow for improoving the country^s souldjers on his ounce particular occasions, & neglecting the service of the country, & thereby endeavoring to put the charge of these souldjers vpon Cap^t Scottow, vppon a full hearing of both partjes, see no reason for the aforesajd complaint, and doe judge, that the said Cap^t Scottow (for ought doth appeare) hath faithfully discharged his trust, and is therefore acquitted from the chardge endeavored to be put on him, but that the same be borne by the county, and that M^r Rushworth doe pay Cap^t Scottow his costs & damage. The Court granted & determined the costs to be nine pounds thirteen shillings & eight pence.

Courts judgment in Scottows case ag^t Rishworth.

*In the case betweene Willjam Rauson, plaintiff, & John Glouer, Habbacuck Glouer, & Pelatiah Glouer, defend^{ts}, this Court doeth order, that one twelfth part of Newbury^s farme, now in the occupation of Roger Billings, be deliuered to the said Willjam Rauson or his assignes, wth all the proffitts, rents, & appurtenances there vnto belonging, to be sett out by Cap^t Daniel Fisher, Lef^t Edmund Quinsey, and Quarter m^r Suift, wth costs of Court, allowance being first made for buildings & other debts due, to be paid from the said farme, and his parte thereof to be paid before the diuission be settled; all which to be determined by the abouesajd comitte. Cost allowed was seven pounds twelve shillings & fower pence.

[*116.]

Courts judgment in Rawsons case ag^t y^e Glouers.

In the case depending betweene John Harrison, plaintiffe, by petiçōn,

Courts judgment in Harrison's case ag^t Woody.

1676.

12 October.
Execution is-
sued out 21
M^{ch}, 77.

Courts ans^r to
Jⁿ^s Houghton
peti^coⁿ.

against Richard Wooddey, deffendant, touching a pretended highway by the said Harrison's house, & leading towards the Fort Hill, the Court, on a full hearing of the case & perusal of the evidences therein, doe finde for the plaintiff the land in controuers & costs of Court, seven pounds five shillings & six pence.

This Court being informed by certificat vnder the hand of Cap^t Daniell Hincksman, that when he was out in the service of the country at Lancaster, they had occasion to make vse of an ox for a supply of the forces vnder his command, which said ox was valued, by indifferent persons, at five pounds in country pay, on a motion made in the behalfe of the owner of the ox, John Houghton, it is ordered, that the Treasurer of the country make payment to the said Houghton for the said ox accordingly.

Courts ans^r to
widdow Vp-
hams peti^coⁿ.
Tr^s to pay M^r
Chickering
bill, . 2^d 14 8
To Edw.
Ellis,
chir., 2 10 0
To M^r
Adding-
ton, 1 3 5
To D^r
Cooke, 1 5 0
To M^r
Peire, for
diet, 4 18 0
To y^e widdow
IOth.

Secretary al-
lowanc, 4th.
Mary Kimballs
rate.

[*117.]

Ans^r to Lef^t
Ways peti^coⁿ.

Courts order to
rayse forces
out of the 3
countys, as to
relief of those
in distress, &c.

In answer to the peti^coⁿ of Ruth Vpham, widdow & relict of the late Lef^t Phineas Vpham, the Court judgeth it meet to order, that the bills of charges to chyrurgeons, docto^rs, & diet, mentioned in said peti^coⁿ, be p^d by the Treasurer of the country; and in consideration of the long and good service hir husband did for the country, & the great losse the widdow susteynes by his death, being left wth seven smale children, & not able to carry on their affaires for the support of hirselfe & family, doe further order the Treasurer of the country to pay vnto the said widdow tenn pounds in or as money.

Itt is ordered, that the twenty pounds granted in May as augmentation to the secretary be made forty pounds, considering his extraordinary seruice.

It is ordered, Mary Kimballs rate of fower pounds, &c, (having lost hir husband at Bradford in the spring, wth great p^t of hir estat carried away by the Indian ennemy, & much impouerished thereby,) be remitted.

*In ans^r to the petition of Lef^t Richard Way, humbly desiring this Courts favour to grant him liberty to keepe his Indian girle in towne, the Court judgeth it meet to grant this peti^coⁿ.

It is heereby ordered, that, for the service of the eastern parts, there be forthwith rayseed in the county of Suffolke one hundred & twenty able souldjers, with twenty of our Indians, which shall be sent, wth all expedition, fitted & furnished with armes, amⁿition, & prouissions sufficient, in convenient vessels, to Kinnibecke, Shipscott, Monhegin, & Casco Bay, or Black Point, or where they may haue oppertvnyty to doe service vpon the ennemy; and that Majo^r Clarke be desired and is heereby authorized to raise & send away the said forces as abouesaid, and to put them vnder such conduct as himself, the council, or the Generall Court shall appoint.

It is further ordered, that seuenty men be impressed out of Essex and

sixty out of Middlesex, which shall be sent by land to Piscataqua, whither ammunition & provision shall be forthwith sent. The said forces, with so many as are already in those parts as may be spared from securing the town, shall, after the recovery of Black Point, be employed to march towards the enemy's quarters, towards Pegwakick, &c, on this side Kennebeck, & these to be conducted by such as the Generall Court or council shall appoint.

1676.

12 October.

It is ordered, that all those men that came from the deserted places at the eastward, fitt for the country^s service, be impressed & employed therein, and that the major^s & committees of the severall county^s & townes doe accordingly presse & lyst them for this present expedition.

Easterners to be impressed.

It is ordered, that seventy of the most able souldjers, impressed in Suffolke for the designe intended at Kennebeck, be sent to Piscataqua, and are to attend the order of the major generall, or such other commanders as the Covncil shall appoint to mannage the designe there against the enemy; and it is further ordered, that one of those vessells appointed for Kennebecke be forthwith sent away wth cloathing & other provisions & ammunition to Piscataqua.

Order to dispose of Suffolke souldjers.

In order to the supply of the forces to be sent forth to the eastward, it is ordered, that the Tresurer doe contract with merchants or others for said supplies, & giue his bills for payment wthin sixe months; wth meanes if it fayle, that the commissarys be impowred to presse by warrant provisions & other necessarys, as the exigency of the affaire doth require.

Order impowring Treasur^r & commissarys to contract, &c, for provisions, ammunition, &c.

In answer to a motion made by the Governor of New Yorke, who hath sent his sloop to transport sundry of the inhabitants that are fled to these townes from the merciless cruelty of the enemy in the easterne parts, this Court doeth declare, that as they may not justify the act of sundry of the abovesaid inhabitants, who haue, in a very dishonorable manner, forsaken those places that might, with meet care, haue been kept out of the enemys hands, so they cannot countenance or encourage the motion made by the Governor of Yorke, the tendency thereof being apparently for the damage of his maj^{ties} interest in those parts, and quitting the same to be a prey, not only to the Indians, but also to the French, who are said by themselves to be their abettors in the depopulation there made, but doe judge it farr more conduible to his maj^{ties} interest that with one shoulder all his maj^{ties} subjects in these plantations doe joyne in driving the enemy thence, and for that end that all meete endeavors be vsed to engage the Mohaukes, or other Indians, freinds to the English, for their help & assistants therein.

Ansr to Gov. of Yorks motion abt remoovis y^e eastern people.

[*118.]

It is hereby ordered, that out of those new leyved souldjers ordered by this Court to be raysed for the eastern service, that the covncil take care to

Major Genl Denisons order & power to manag y^e forces, &c.

1676.

12 October.

send away wth all speed one hundred & fiftie men wth prouissions, & aminition, & cloathes, to Cap^t Hathorne, for the security of what is remayning in Yorkshire, & if possible to annoy the ennemy in their quarters; and that Cap^t Hawthorne attend such orders as he shall receive from the council or Major Generall Dennison, who is heereby desired & ordered to repaire to Portsmouth, or some of the adjacent townes, to mannage that affaire vntill it be ended or accomplished, and all other prouission designed for that affayre for the present to cease.

Major gen.
comission.

This Court, hauing appointed Major Gen^l Denison to repaire vnto Portsmouth, and there to take care for the improvement of the souldjers now rayssed aganst the incursion of the comon ennemy in those easterne plantations, and to give his orders accordingly, doe heereby authorize and impower him to take the comānd of all the souldiers & places of deffence in those parts; and all military comānders, officers, & souldjers, wth others y^t are the inhabitants of those parts, are heereby required to take notice thereof, and to yeeld obedience to him accordingly. And for the better mannagement of the sajd trust to him heereby comitted, he, the abouesajd major generall, is heereby authorized & impowred to presse men, horses, prouissions, & amūnition, &c, as to him shall seeme meet, and to punish by fine, imprisonment, or any other corporall punishment, as the law directs, all such as shall neglect or refuse to execute his warrants, or yeild obedience to his comānds, or be otherwise transgressors of the military lawes established by this Court.

[*119.]

Courts ans^r to
Meadfeild pe-
tition, 87th abat-
ed y^m out of
y^rir 10 rates.

*In answer to the petition of the inhabitants of Meadfeild, humbly craving the favo^r of this Court to consider their great losses by the Indian ennemy the last spring, and abatement of their rates accordingly, it is ordered, that Meadfeild be allowed, towards their losses by the ennemy, the sume of eighty seven pounds ten shillings out of their last tenn rates.

Ans^r to Wey-
mouth, 46th out
of y^rir 10 rates.

It is ordered, that forty sixe shillings and eight pence be abated & allowed to Weimouth, out of their last tenn rates, towards their losses by the ennemy.

Ans^r to Hing-
ham, 10th.

It is ordered, that Hingham be allowed & abated out of their last ten rates, towards their losses by the ennemy, the sume of tenn pounds.

Ans^r to Sud-
bury petition,
& 44th 10 abat-
ed y^m.

In ans^r to the petition of the inhabitants of Sudbury, for abatement in their last tenn country rates, by reason of their losses in their estates by the comon ennemy, the Court, finding their estates falls short fower pounds nine shillings in their single country rate, judge meet to order, that Sudbury be allowed & abated forty fower pound ten shillings out of y^e whole sume of their ten country rates.

Ans^r to Con-
cord motion,
50th abated y^m.

In ans^r to the petition or representation of the inhabitants of Concord,

itt is ordered, that Concord be allowed or abated out of their last ten country rates the sume of fuetty pounds, towards their losses, &c. 1676.

In ans^r to the petition of the selectmen of Chelmsford, &c, it is ordered, that Chelmsford be allowed & abated the sume of fuetty three pounds seven shillings & one penny out of their last tenn country rates, towards there losses. 12 October.
Chelmsford
abatem^t.

It is ordered, that Andiver be allowed & abated out of their last tenn country rates the sume of fower pounds tenn shillings, towards their losses y^t are still escapes there. Andiver abate
m^t.

In ans^r to the petition of the inhabitants of Springfield, the Court, considering the great losse y^t Springfield hath susteyned, & the streights & expences they haue binn necessarily put vnto for the preservation of the place, doe order, that they be abated one hundred and fuetty pounds of their rates due to the publicque, and that the Tresurer doe allow it them in their accounts; all wth abatement, together wth the rest of the charge, shall be proportioned vpon the inhabitants by the select men according as they haue expended for the enterteyning of garrison souldjers, and the remainder that shallbe found due to be levyed & payd accordingly. They who haue deserted the toun, & not runn the hazard wth their neighbo's, not being to be allowed any share in the abouesajd abatement. Ans^r to Springfield's
petition, 15th
abatem^t.

It is ordered, that Northampton inhabitants be allowed & abated out of their last ten country rates eighteen povnds twelve shillings & sixe pence, towards their losses. Northampton
abatem^t, 18th
12 6.

It is ordered, that Hadley be allowed & abated out of their last ten country ratē nine pounds three shillings & fower pence, towards their losses. Hadley abate-
m^t, 9 3 4.

*In ans^r to the petiōn of the inhabitants of the county of Hampshire, it is ordered, that the rule & prise of payment for the charge of the warr in the county of Hampshire shallbe in all respects as it is in other countys. [*120.]
Ans^r to Hamp-
shire pet.

It is hereby ordered, that Cap^t Thō Daniel & M^r Martjn, of Portsmouth, doe impress such vessells as are needfull, wth affiniton & prouission, and what may be necessary for the designe, who are to goe to Blacke Point, Winter Harbo^r, &c, for the recouering & securing of those places, and distressing & destroying the ennemy there, or elsewhere, & that M^r Nathaniel Fryer haue the comānd & disposing of them for the ends aforesajd. Courts order to
Cap^t Daniel &
M^r Martjn to
impos^r y^m to
impress ves-
sells, &c.

Hono^{ble} S^r: —

It is the good pleasure of God still to manifest the tokens of his displeasure against us, by permitting the ennemy in the eastern parts to doe much mischeife; who haue made their progress as farr as Black Point & Winter 17 October.
Gen. Courts
letter to Gov.
Plymouth for
ayd.

1676. Harbo^r. The English there having left those places & garrisons to the
 17 October. Indians, who now possesse them, wee account it our duty to indeavo^r, by the
 help of God, to recouer them from them, & to vse all force against them,
 wherein wee desire & expect yo^r concurrence wth us, & assistance of us wth
 some English, & also some of your Indians, & Cap^t Church, whom we haue
 spoken with here, & finde him ready to serve God & the country; request
 therefore your speedy sending of him, & such as yow shall see meet, to asist
 in that designe. & so, praying for Gods presence and blessing on o^r endev-
 o^rs, wth respects to yow, are, s^r,

Your humble servants & confederates,

The Geñ Court of the Massachusets.

Signed p JN^o LEUERET, Goñ.

Dated Octob^r 17, 1676.

Cap^t Scills dis-
 charg.

Whereas Cap^t Joseph Scyll hath heretofore binn employed in the countrys
 service, as comānder of a company, & that information is given that of late he
 hath carrijed himself offensively in that place, this Court doeth the^refore order,
 that the sajd Scyll be forthwith dischardged from that imploy, & some other
 meet person appointed in his roome.

An^sr to Tho.
 Eames petiçon.

The Court, hauing read & considered the petition of Thomas Eames, doe
 order & appoint Majo^r Daniel Gookin, Cap^t Daniel Fisher, & Cap^t Goodenow
 to be a comittée to vejw the place desired by the petitioner for his accomoda-
 tion, wth a habitation, & make returne to the next Court.

An^sr to Marga-
 ret Cogswells
 petiçon.

In ans^r to the petition of Margaret Cogswell, attorney to John Cogswell,
 hir husband, now a prisoner, the Court judgeth it meet to grant the petiçoners
 request, for the hearing of the case mentioned in the petiçon, at the next
 Court of Election, all partjes being sumōned then to appeare, & Jn^o Cogswell,
 Juñ, to be at liberty from the prison to attend his occasions till the case be
 heard.

The Castle to
 be cou^d wth
 lead.
 Cap^t Brattle
 added to y^e
 comitt. of y^e
 Castle.

Information being given to this Court of the great damage that the
 Castle buildings do suffer for want of y^e couering to be don wth lead, it is
 ordered, that y^e Tresurer deliuer to y^e comittée so muç lead as y^e worke
 will need, or mony to pçure the same, and Cap^t Thō Brattle is added to the
 comittée.

[*121.]
 Courts order
 for Treasurer
 to pay Lef^t
 Clarke 38^u 18^s
 03^d.

*Itt is ordered, that the Tresurer of the country pay vnto Lef^t Willjam
 Clarke the sume of thirty eight pounds eighteen shillings, and is for so much
 by him deliuered to the countrys vse in porke & bisket, as by his account on
 file appeares.

In answer to the petition of Jonathan Woodman, humbly desiring the remittment of the fine of tenn pounds imposed on him for not surveying the ship Salamandar, &c, the Court judgeth it meet to grant his request, & his fine is remitted accordingly.

1676.

17 October.

Jonathan
Woodmans
fine remitted.
Mr Tho Clarke,
mistres, recom-
pence, 6.

Mr Thomas Clarke, minister, being seven weekes in the army at Narraganset, & officiating at the request of the comiander in cheife during that time, the Court judgeth it meet to grant him sixe pounds money, to be payd by the Treasurer.

In ans^r to the petiçōn of Mr Jonathan Tyng, the Court, hauing persved the returne of the comittee appointed to examine his accounts mentioned therein, doe order the Treasurer of the country to pay vnto him twenty pounds towards his chardges.

Ans^r to Jona-
than Tings ac-
cōt.

In ans^r to the petition of Cap^t Thomas Wheeler, Señ, & his sonn, it is ordered, that they be payd their whole wages, from the time they entred vpon the service vntill their returne to their oune houses, ouer & besids tenn pounds already allowed him in October last, for his present supply, being wounded in the country^s service.

Ans^r to Tho.
Whealers, Sen.
petiçion.

In ans^r to the petition of Mr Peter Bracket, the Court judgeth it meet to grant the petiçōn, & doe order Mr Zerubabell Endecott forthwith to repay the petiçōner twenty pounds disbursed on the account in the sajd petiçōn mentioned.

Ans^r to Mr
Brackets peti-
cōn, & Mr Ze-
rubb. Endecott
to repay him
20^{li}.

Vpon the motion of the inhabitants of Reading, the Court judgeth it meet to apoint John Dammon to be leiftenñt for Redding compā, and order, that comiission be granted him accordingly.

Jⁿ Dunnon
lieut^r to Red-
ding comp^{ny}.

In ans^r to the motion of Cap^t Thomas Clarke, Ensigne Pen Townsend is appointed leiu^t, & Sarj^t Hopestill Foster to be ensigne to sajd Cap^t Tho^s Clarks company.

Pen Tounsend
leiu^t, Hope.
Foster ensigne,
to Cap^t Tho.
Clarks comp.

It is ordered, that Bartholmew Gidney be ensigne to Salem company, vnder Cap^t Jⁿ Coruin.

Bartho. Gidney
ensig. to Cap^t
Corwins com-
p^{ny}.

It is ordered, that Mr Edward Rishworth be pajd out of the country treasury for Yorkshire the sūme of three pounds mony, for his transcribing publick writtings now to goe wth our messengers.

Mr Rishworth
recompence for
publick writ-
tings.

In ans^r to the petiçōn of Samuel Plumer, ferryman at Newbry, it is ordered, that himself & his son Ephraim be freed from the presse.

To enter.

*The Court, hauing pvsed the accompt brought in to the comittee who had the examination thereof of the expences, disbursments, &c, of the late Major Symon Willard, amounting to the sūme of finety fflower pounds one shilling & two penc, the accompt whereof is on file, the Court judgeth it meet to allow thereof, and add tenn pounds more for extraordinary enterteinments

[* 122.]

Major Wil-
lards allowanc,
64 01 2.

1676. not brought to account, ordering the Tresurer to make payment thereof, in all
 17 October. sixty fower povnds one shilling & two penc.

Tres^r Russells
 acco. as to y^e
 Dutch warr,
 1673.

In obedience to an order of the Generall Court, da^t May 3^d, 1676, wee, the subscribers, hauing audited the accompt relating to a Dutch warr, finde the ballance due to the estate of the late Tresurer to be the summe of two hundred sixty seven pounds seven shilling and three penc, as p account on file may appeare, only in the ballance there is included thirty pounds for pajnes & trouble, as on the other side, which wee leaue to the Court to determine.

THO: CLARKE,
 ANTHO: STODDARD,
 HUMPHRY DAVY,
 JN^o RICHARDS,
 HEN: BARTHOLMEW.

23 October.
 Tresurer Russells.

In obedienc to an order of the Geñerall Court, dated May 3^d, 1676, wee, the subscribers, hauing auditted the Tresurers accompt for country single rates for 74 & 75, doe finde due to the country from the estate of the late Tresurer the sume of forty three pounds two shillings & eleven penc, only the fuety pounds chardged for the Tresurers allowance & losse, &c, wee leaue to the Court to determine, w^{ch} if the Court allow not, must be added to the ballanc abouesajd, & then will be due to the country ninety three pounds two shillings & eleven penc, as p acco^d on file appeares.

23 Octō, 1676.

THO: CLARKE,
 ANTHO: STODDARD,
 HUMPHRY DAVY,
 JN^o RICHARDS,
 HEN: BARTHOLMEW.

25 October.
 Indian warr
 acco.
 Tresurer Russells
 acco^{ts} as
 to y^e years 75,
 76, 9 rates, &c.

In obedience to an order of the Geñ Court, dated May the 3^d, 1676, wee, the subscribers, hauing purvsd & audited the late Tresurers accompt, w^{ch} is on file, relateing to the Indian warr, doe finde the ballance due to the estate of the late Tresurer to be the sume of nine hundred & nineteen pounds seven shillings one penny; onely there is included in this ballance two hundred twenty & fwe pounds for charges & pajnes, & losse in pay, &c, which is left to the Court to determine, and if not allowed (or what part of it is not allowed) is to be substracted out of saj^d ballance; it is likewise to be

vnderstood that what is here chardged to be deliuered to Cap^t Jn^o Hull, & likewise what is chardged to be paid to the seuerall townes for disbursements; it is to be made out by the excecuto^rs of the late Tresurer, to be so disbursed, and if any erro^r therein appeare that there be not so much paid, it is to be made good by said excecuto^rs.

October 25, 1676.

Signed,

THO: CLARKE,
ANTHO: STODDARD,
HUMPHRY DAVY,
JN^o RICHARDS.

1676.

25 October.

In obedienc to an order of the Generall Court, dated May 3^d, 1676, wee, the subscribers, hauing perused & auditted the late Tresurers account, doe finde the ballance due from the late Tresurer to the country the sume of fower hundred twenty fower pounds sixe shillings ten pence; only there is chardged by sd Tresurer fuetty pounds for his paines, wth wharfage, storage, porteridge, & losse, w^{ch} wee leaue to the Court to determine, & if not allowed by the Court, is to be added to the ballance aboue.

P THO: CLARKE,
ANTHO: STODDARD,
HUMPH: DAVY,
JN^o RICHARDS,
HEN: BARTHOLMEW.

*In answer to the petiçon of James Russell, excecuto^r to the late Richard Russell, Esq^r, late Tresurer, the Court judgeth it meet to allow the petiçoner one hundred & fuetty pounds, vpon all accompts, for his pajnes, extraordinary & other losses and damages susteyned by the late Tresurer, his father, as to publick concernes in that place; so the whole ballance due to him vpon all accounts is fwe hundred & fouertein pounds & fower shillings & seven pence.

[*123.]
Ans^r to James
Russells peti-
çon, 514 4^s 7^d
ballance.

In ans^r to the petition of True Crosse Minot, widdow of Stephen Minot, late of Dorchester, deceased, humbly craving the favor of this Court to im- power & inable hir to seale deeds to M^r Stoughton, Richard Baker, & others, of Dorchester, for seuerall parcells of land by them bought of hir husband, and justly sattisfied for in his lifetime, but the legall conveyanc not perfected by him, the Court grants his request, & impowers hir accordingly.

Courts ans^r to
True Crosse
Mynots peti-
çon.

Whereas Joshua Scottow is now sending forth a smale vessell or two wth company for the discouery of the state of the ffort at Black Point, and transport of what may be there recouerable either of his or any of the inhabit- ants, it is ordered, that the said vessells and persons by him sent shallbe &

Courts act as
to M^r Scottows
fort at Black
Point, &c.

1676.

25 October.

Comission
therevpon was
gried & signed
to Bartho. Tip-
ping.

hereby are exempted from impresse vpon any other of the country^s employ; and Bartholmew Tipping being comended as a fitt person to take the charge of such as are to land, in case he shall judge the place tenable, he shallbe & heereby is impowred to impresse the company now sent, and any other of the inhabitants, or other persons which may be there found, to looke after plunder or their oune estates, and to defend & keepe the place from the ennemy vntill further order; and the sajd Scottow hath liberty to impresse some inhabitants of Black Point who lye latent, he, the sajd Scottow, carrying it on at his oune charge.

John Chick-
ings guardians.

It is ordered, (on the motion of Mr Joseph Dudley, on behalfe of Mr^{rs} Chickering, of Charls Toune, administrator to the estate of Mr John Chickering, there being a copyhold estate belonging to the children of Mr John Chickering, late of Charls Toune, in England, necessary to be taken vp by some on behalfe of hir son, John Chickering, now an orphant,) that Mr W^m Staughton & Mr John Bulkly, of London, be & hereby are appointed guardians to the sajd John Chickering.

[*124.]

Thanksgiving
appointed No-
vember 9th.

*Whereas it hath pleased our gracious God, contrary to the many evill deservings of an vnworthy & sinfull people, such as wee are, so farr to espouse the interest of his poore people as to plead their cause wth the heathen in this wilderness that haue risen vp against us, and broken in vpon many of our townes & places as a flood, seeking the vtter extirpation & ruine of the interest of our Lord Jesus in this wilderness, & that with so considerable progress and such strange success as ought not to be soone forgotten by us in this day of our calamity, God hath made bare his oune arme for our deliuerance, by taking away counsell & courage from our ennemjes, & giving strange advantage, & great success to ourselues & confederates against them, that of those seuerall tribes & partjes that haue hitherto risen vp against us, which were not a few, there now scarce remaines a name or family of them in their former habitations but are either slayne, captivated, or fled into remote parts of this wilderness, or lye hid, dispayring of their first intentions against us, at least in these parts; vnto which mercy God hath added an abatement of those epidemicall sicknesses that haue attended us most part of this summer, & vouchsafe us a liberall portion of the fruites of the earth for our comfortable sustentation & releife; the joint consideration of these things minister great cause; & the same God that is the author of them cann giue us hearts to offer our prayse, that thereby wee may glorify him, which that wee may obteyne, this Court doth appoint & sett apart the ninth day of November next, to be kept a day of solemne thanksgiving & prayse to God for such his singular & fatherly mercies bestowed on us, & comend the same to the respective

elders, ministers, & people in this jurisdiction, solemnly & seriously to keepe the same. 1676.

The whole Court ordered a day of humilliation the first Thursday in December, that the council draw vp a declaration accordingly, w^{ch} was donn, & printed & published. 25 October. Day humilliation to be in December.

Whereas this Court hath declared that the will of the late Gofin^r, Rich^d Bellingham, Esq^r, was voyd in law, & the law prouiding that due care be taken for the widdow or relict of the deceased, it is therefore ordered, that this matter be issued & determined by this Court, and that the money resting due from the late trustees remajne in their hands vntill the sajd settlement be made. Courts order for y^e issuing all matters remajning as to settlement of Mr Bellinghams estate.

*The Court, as the Court of Admiralty resolved, & that by voate, that Robert Orchard, the officer, had not acted regularly in his seizing, &c, and so find for the plaintiff, David Anderson. [*125.]

E. R., S.

[The remainder of page *125 left blank.]

**Att a Gennerall Court for Elections, held at Boston, 23^d of May, 1677.* 1677.

J^N^o LEUERET, Esq^r, was chosen Gofino^r for the yeare ensuing, & tooke his oath in opent Court. 23 May. [*126.]

Samuel Symonds, Esq^r, Dep^t Gouverno^r for y^e yeare ensuing, & alike tooke his oath.

Symon Bradstreet,	}	3 ^d Comission ^r in reserve.
Daniel Dennison,		
Thō Danforth,	}	1 st Comissioner for the Vnited Colonyes for y ^e yeare.
Daniel Gookin,		
W ^m Hauthorne,	}	Esq ^r s, were chosen Assistants, & tooke their oathes,
Jn ^o Pynchon,		except M ^r Stoughton & M ^r Bulkely, y ^t were
Edward Tyng,		absent on the country ^s occasion.
W ^m Stoughton,	}	4 Comiss ^r in reserve.
Thomas Clarke,		
Joseph Dudley,	}	2 Comissioner for y ^e Vnited Colony ^s .
Peter Bulkeley,		

Capt Jn^o Hull was choser Tresurer for y^e yeare ensuing, & tooke his oath.

1677.

Edw^d Rawson was chosen Secretary for y^e yeare ensuing, & tooke
his oath.

23 May.

The Court adjourned till the morning, at eight of the clocke.

24 May.

24 of May. PRESENT, Jn^o Leueret, Esq^r, Go^v,
Sa^m Symonds, Esq^r, Dep^t Go^v,
Symon Bradstreet,
Daniel Dennison,
Daniel Gookin,
Th^o Danforth,
W^m Hathorne,
Jn^o Pinchon,
Edw^d Tyng,
Th^o Clarke,
Joseph Dudley.

The names of the deputjes returned from the seuerall townes to serve at
this Court were, —

Salem : M^r Edmund Batter, 1 s, M^r Thomas Graues.

Charls Towne : M^r Jacob Green.

Dorchester : Lef^t Jn^o Capen, M^r James Blake.

Boston : Majo^r Th^o Sauage, M^r Anth^o Stoddard.

Roxb^o : M^r W^m Parkes, M^r Th^o Weld.

Wat^r T. : Cap^t Hugh Mason.

Camb^r : M^r Edw^d Oakes, M^r Joseph Cooke.

Lynn : Ens^{ig} Jn^o Fuller.

Ipsw^{ic} : Maj^r Sa^m Apleton, M^r W^m Goodhue.

Newb^o : M^r Caleb Moody.

Weym^o : M^r Jn^o Bicknel.

Hingham : M^r Nath Beales.

Concord : M^r Jn^o Flynt.

Dedham . Cap^t Daniel Fisher.

M^r George Colton, Springf., 1 s.

M^r Dudley Bradstreet, 1 s, And^o.

M^r Th^o Marston, Hampton.

M^r Richard Swann, Rouley.

Maj^o Rich^d Waldron, Douer.

Cap^t Elyas Styleman, Ports^m.

M^r Humphry Dauy, Left W^m Johnson, Wooborne.

M^r Samuel Thompson, 1 s, Braintry.

M^r Henry Palmer, 1 s, Hauerill.

Cap^t Jn^o Wayte, Maulden.

Cap^t Georg Barber, Meadfeild.

Cap^t Jn^o Wincol, 1 s, Kittery.

M^r Sañi Wheelwright, York & Wels.

Cap^t Jonathan Poole, Redding.

Left W^m Clarke, Medad Pomry, Northam^p.

M^r Peter Tylton, 1 s, M^r Phillip Smith, Hadley.

M^r John West, Beuerly.

Majo^r Thomas Sauage was chosen Speaker for this session.

[The six following pages, *127—*132, are in an unknown handwriting.]

1677.

24 May.

[*127.]

*This Court, being desirous to p^rvent all occasions of complaint referring to the profanation of the Saboath, & as an addition to former lawes, doe order and enact, that all the lawes for sanctification of the Saboath & preventing the profaning thereof, be twice in the year, viz^t, in March, in September, publickly read by the minister or ministers on the Lords day in the severall respectue assemblies within this jurisdiction, & all people by him cautioned to take heed to y^e observance thereof. And the select-men are hereby ordered to see to it that there bee one man appointed to inspect the ten families of his neighbours, which tything man or men shall & are hereby haue power, in the absence of the constable, to app^rhend all Saboath breakers & disorderly tiplers, or such as keep licensed houses, or others that shall suffer any disorders in their houses on y^e Saboath day, or evening after, or at any other time, & to carry them before a magistrate or other authority, or comit to prison, as any constable may doe, to bee proceeded with according to law.

To p^rvent profanation of the Saboath.

And for the better putting a restraint & securing offendo^rs that shall any way transgress against the lawes, title Saboath, either in the meeting house by abusive carriage or misbehaviour, by making any noyse or otherwise, or during the daytime, being laid hold on by any of the inhabitants, shall, by the said person appointed to inspect this law, be forthwith carried forth & put into a cage in Boston, which is appointed to be forthwith, by the select men, to be set up in the market place, and in such other townes as y^e County Courts shall appoint, there to remain till authority shall examine the person offending, & giue order for his punishment, as the matter may require, according to the lawes relating to the Saboath.

A cage to be erected.

This Court, considering the necessity of a present & vigorous prosecution

1677.

24 May.
Order for a vigorous prosecution of the warre agst the Indians at the eastward.

[*128.]

Provisions for 200 men to be sent to Black Point.

of the warr agst the insolent eastern Indians, by invading & assaulting them in their quarters, especially near the sea coast, doe therefore order provisions of all sorts, necessary to ^a made for two hundred men, to be sent to Blackpoint, to furnish a magazine there for the souldiers to be employed in those parts; & further, that a light vessel and two shallops be provided to attend the said souldiers, for their transportation over creeks and rivers, & pursuing the Indian canoes; and one hundred * & fuetty or two hundred stout, actiue souldiers be rayased, & put under active & prudent leaders, & be, with all convenient speed, dispatched to Blackpoint & those parts, to pursue & destroy the enemy, & endeavour the rescue of the English prisoners; & that those forces in Yorkshire under Cap^t Frost & Cap^t Swaine, so many as shall be judged necessary for the garrisoning the townes, to be, with their commission officers, dismissed, and such of the souldiers as shall be left in garrison to be under the com^{and} & order of the committee of militia of the respectiue places where they shall remaine.

And it is ordered, that provissions of all sorts, for one hundred & fifty men, or two hundred, be presently provided & sent for their supply for three months time, and that provisions also be provided & sent for the Mohaukes.

Addition to the law agst Quakers meetings, &c.

As an addition to the last law relating to Quakers meeting, the constables of every towne are hereby required to make diligent search in their respectiue townes, especially on the Lords day, in all suspected places & houses, & where they know or may be informed that any Quakers are mett to celebrate their irregular & prohibited worship, and are hereby impowred to break open any door where peaceable entrance is denied them, and such persons as shall be found at such meetings shall be apprehended, & proceeded with, and punished as the law provides in that case; and every constable neglecting his duty herein, & being legally convicted thereof, shall forfeit the summe of forty shillings to the vse of the county; and for all such persons as shall be prosecuted or complained of for absenting themselues from the publick allowed worship of God on the Lords day, & will not so much as affirme they were there, or necessarily absent by the providence of God, it shall be adjudged a conviction and the breach of the law, & punished accordingly.

Order for administration to be granted to p^{sons} dying intestate or insolvent law to be divided.

It is ordered by this Court and the authority thereof, that when any person dyeth intestate, whose estate is insoluent, & not sufficient to satisfy the severall credito^{rs}, & upon information thereof given to the Court of that county, the said Court shall grant administration as the law directs, and impower commissioners to receave & examine the claimes of the seuerall credito^{rs}, & giue notice, by posting up a paper in the most publick place in Boston, & in the towne where the person lived, & in the three next adjacent townes,

that all persons may come, & make their claimes, & proue their debts w^{thin} twelve months after publication, at farthest, (unless, upon occasion, the County Court see cause to giue further time,) before the said commissioners, and such as they *shall find clear & unquestionable debts, to receaue & allow them; & so the said Court shall make a just and æquall division to all the credito^{rs}, according to their severall proportions, so farr as the s^d estate will extend unto; & whatsoever credito^r shall not come in within the time limited as affore^sd to challenge & proue his debt, he shall be debarred from any part of his or her s^d debt, unless such persons afterward can find some other estate of the deceased not found out before, & put into the inventory. And any estate of like nature now depending, & not fully issued by an æquall division among all the credito^{rs} according to their proportions, shall be settled according as this order directs, any proceedings or actings in any Courts or otherwise to the contrary notwithstanding.

1677.

24 May.

[*129.]

This Court being informed that our souldiers now in Yorkshire are in great necessity for want of cloathing & other necessary provissions, to the end that a due supply may be made, —

Courts order
for provisions
of all the sould-
iers in York-
shire.

Its ordered by this Court, that the commisaries of Boston doe forthwith provide one hundred & fifty good shirts, or, in defect thereof, so much linnen as will make to such a number, with thred; also, five hundred yards of either cotton or peniston, wth Manchester & thred, & some necessaries for sick & wounded men; also, three hundred bushels of Indian corn, to be proportioned to the severall townes in Yorkshire according to the number of the souldiers in each towne, together with some pease, three barrells of porke, one barrel of rumme, three hundred pounds of tobacco, two hundred pair of good, strong, plaine shooes, one hundred & fifty paire of strong stockins; and that all these provisions aboue mentioned be proportioned by Maj^r Waldron & M^r Samuel Wheelwright; & that they take care for the speedy sending away of the same.

For the advancement of the countreyes commodities, it's ordered by this Court & the authority thereof, that all retailers of strong beer, being licenced thereunto, shall haue liberty to sell strong beere aboue two pence p quart, provided they put in of barly mault pportionable, i. e., beer of threepence p quart, three bushells of mault to a barrell; at 4^d p quart, 4 bushells of mault to a barrell; any law, usage, or custome to the contrary notwithstanding.

Inkeepers Lib-
erty to r:taile
beer at 5^d & 4^d
p^r qu^t on con-
dition.

As an addition to the law, title Military, sect 7, requiring pikemen to provide snapsacks, & being wholly silent concerning musketeers, this Court declares that musqueteers shall & are hereby required ^{to} provide snapsacks, with others amunition that law expresseth.

Musqueteers
to provide
snapsacks.

1677.

24 May.

[*130.]

Order as to
settling our
neighbours
Indians in 4
plantations.

*Whereas, after this time of trouble & warr with the Indjans, the well ordering & settlement of those that remaine & are under command is a matter of great concernment to the peace & security of the countrey, & the welfare, civilizing, & good education of the sd Indjans & their children, it is hereby ordered & enacted, that such Indjan children or youths that are settled or disposed, by order of authority, or with their parents or relations consents to any of the English inhabitants in this jurisdiction, shall so remaine with them as servants, and to be taught and instructed in the Xtian religion untill each of them attein to the age of twenty fowr yeares of age, except by speciall contract it be otherwise provided; and for such other Indians children, youths or girls, whose parents haue been in hostility with us, or haue lived among our enemies in the time of the warr, and were taken by force, & given or sould to any of the inhabitants of this jurisdiction, such shall be at the disposall of their masters or their assignes, provided they be instructed in civility & Christian religion; & for all other Indians that are admitted to liue within this jurisdiction, as well such as are called Praying Indjans, as well as others, shall be reduced to inhabitt in fowr places for the present, viz^t, Natick, Punkapaug, Hassanamesit, & Wamesit, & within the limitts of those townships as they are graunted to them by the Generall Court, where they may be continually inspected, & from time to time ordered & gove^rd by such as this Court or council shall appoint; & when they are once settled as afore^sd, a list to be taken of all the men, weomen, & children of the severall companies once a yeare at least and kept upon record, with a strict charge & prohibition, vpon the pœnalty of the displeasure of this Co^t, not to receaue or entertaine any stranger or forrein Indjans or Indians into their societies, wthout the knowledge or approbation of authority; and that the Indjans about Piscataqua shall be settled about Quochecho, as shall be further ordered by the council; and all other lawes & orders relating to the Indjans, & made since the warre began, as to their confinement to this or that place, or giving liberty to take or kill any ^ them found without the limitts appointed, are hereby repealed and declared void.

Order to prevent inconvenience by Indjans travayling the woods wth their gunns.

For the preventing of all inconveniencies that may fall out by the setting of the Indians at liberty, to be freed from any feares of being shott, found out of their limitts, it's hereby ordered, that all neighbour Indjans & friends, though at liberty to hunt, &c, yet carrijng their gunns with them into the woods, & not easily discovered whither freinds or not, shall & hereby are enjoyned, on the sight of any English person, or being called unto, shall immediately lay down his gunne, & leaving them, repaire to the sd English person, & make it out by his certificate, from some person in authority, of his

name and place of abroad, and liberty as aforesayd, or otherwise, shall be liable to haue his gun taken from him, & be looked on as an enemy ; *nor shall any Indian on this side Merrimack River haue liberty to travaile the woods with their gunns without a certificate from Major Generall Denison & Major Gookin, or on the other side Merrimack River, without like certificate from Major Richard Waldron.

It is ordered, that the Treasurer bring in the countrey's accounts forthwith, that the Court may come to understand the true state of the countrey.

This Court doth order, that all disbursements, (since the first of May, 1676, relating to the Indian war,) according to their severall species, shall be reduced to the prizes & valuation hereafter expressed, i. e., that the prizes and payments of all things referring to the premises to be at the country rate prize : —

To billeting of souldiers, viz^t, one man, p week, five shillings & four pence.

To provision for souldiers out, i. e., for one man, p week, five shillings & four pence.

The souldiers billeting, or provision out, as aforesd, from the date of these presents, p week, 5 shill.

To billeting souldiers by y^e meale, not exceeding two dayes, after two meales a day, 6^d p meal.

To loss & dammage of armes & furniture as the committees of militias in the severall townes shall value, at a just & æquall prize.

To a horse at grass a day & a night, not exceeding two dayes at a time, four pence.

To a horse at grass one week, 1^s 6^d. To a horse at dry meat a day & a night, not exceeding two dayes at a time, six pence. To one horse at dry meat a week, 2 shill. To a horse hire by the week, two shillings. To a horse for a day or two, not exceeding four dayes, six pence p day. To a horse imprest as dragoone, to be paid as troopers horses. To posts, as the law directs. To provisions of all sorts, as bread, p hundrd ; beife, porke, by the barrell, at the current prizes they are sould at the time they are taken up, to be paid in money. To horses lost, as the law directs. To carting, 4 oxen & a man, 5 shillings p day ; to a man with three horses & a cart, at five shillings p day, & so proportionable. To ferriage of souldiers & horse, halfe prize. To powder, two shillings p pound ; musquet bullets, 8^d per score, & small shott proportionable. To oates, according to two shillings p bushell, provided the billets of souldiers in perticular places be allowed by the committee for the warr, and the allowance for ferriage concerning some few perticular persons

1677.

24 May.

[*131.]

Treasurer to
bring in coun-
trys acc's.

1677.

24 May.

Law ab^t book
debts suspend-
ed for 3 years.

be suspended to further consideration; and that all bills signed and allowed by the committee of militia of the respective townes, according to the rates, shall be accepted and paid by the Treasurer.

In answer to the petition of sundry the inhabitants of Boston, humbly desiring that the law ab^t book debts be repealed, it is ordered, that the law respecting book debts shall be & hereby is suspended for three yeares longer from y^e time.

[*132.]

Double cus-
tome for all
wines, brandy,
&c.

Prizes of
horses, 3^d, &c,
rates.

*It is ordered by the authority of this Court, that the custome of all wines, brandy, & rumme imported into this jurisdiction shall be doubled from henceforth to what it hath been paid.

Whereas it is manifest that the prizes of horses is much fallen to what they formerly were, & yett, by law, are to be rated at 5^{li} p horse, it is therefore ordered by this Court & the authority thereof, that henceforth all horses & mares, from three yeares old & upwards, shall be rated at three pounds in a single country rate; between two & three year old at forty shillings, & between one & two yeares old twenty shillings; any law, custome, or usage to the contrary notwithstanding.

30th to Maj^r
Pynchon.

Whereas, by advice & order from the councill unto our friends of Connecticut, Majo^r Pynchon was imployed to the Mohaucks, & his account of charges & expences amounting to the sume of one hundred twenty & eight pounds money, its ordered, y^t the Treasurer discharge the same forthwith, that engagements may be taken of from those that passed the same on the countryes behalfe; & it is ordered, that Majo^r Pynchon be allowed thirty pounds in money, he discharging the charge of the twelue men that went wth him out of the sume; & that the 3^d summes aboue mentioned be paid by the Treasurer, & be proportioned by the commissioners at their next meeting, & charged upon the severall colonies according to the articles of confederation.

Courts acts as
to our confed-
erates joyning
with us & send-
ing to y^e east-
erne warr.

The Court having agreed to rayse forces for the suppressing of the enemy in the east parts, & the late newes of their further incursions requiring the hastning thereof, with an additionall number to those formerly mentioned, the Court judgeth it meet that our confederates be forthwith acquainted with the enemies motions, & our absolute necessity of a vigorous prosecution of the enemy, & that they be respectively requested to send their proportions of English to the number of one hundred, & of Indjans to the number of two hundred, with amunition & provisions accordingly; & for the more speedy hastning hereof, that meet messengers be sent with letters from this Court.

For defraying the charges allready expended upon the warr, & other charges arising in the future prosecution thereof, it is ordered by this Court and the authority thereof, that there shall be six single country rates assessed

& collected sometime within two months now next following, to be paid in specie, as formerly, & to abate one third part *to any that shall pay money. Also, that the select men of the severall towne be allowed & impowred to rate by will & doome such as are known to be men of ability, whose estates in great measure ly out of y^e reach of the law, being undiscovered, without abatement on acc^ot of any mans paying for importation of goods; & in case of agreivance by over valluation, releife to be giuen to such in such a way as the law provides. And where any persons in any of the townes haue disbursed for the publick relating to the warr, they shall be allowed & payed the same out of the rates of such townes where they dwell; and that each townes proportion to a single rate be, according to the late valluation, transmitted to the Treasurer.

1677.

24 May.
Order for 6
rates.

[*133.]

The county of York, with Dover & Portsmouth, being behind in their rates in proportion [the remainder of page *133, and pages *134 and *135, are in the handwriting of Secretary Rawson] with the rest of the country, it is ordered by this Court, that the Tresurer forthwith issue out his warrants for levyng and collecting all rates lajd on the country which are behind vnpayd, according as the lawe provides, being in all thirty two single rates, including the sixe rates granted this present session.

Order for 32
rates from Do-
uer & Ports-
mouth.

Whereas, for the preservation of the peace, suppression of vice, and accomodation of justice in seuerall parts of this jurisdiction where no magistrate dwells, it hath binn customary for this Court to authorize meet persons of quality & skill, and them to invest wth magistraticall power, it *his* ordered by this Court, that henceforth all such persons so appointed and allowed shall haue comission granted them accordingly from this Court and vnder the seale of this colony, according to the direction of the charter, wherein *wherein* shall be incerted the preservation of the peace, taking recognizances and binding ouer offendo^{rs} to the County Court to which they belong, punishing all offences whose pœnalty is stated by law vnder forty shillings, or corporall punishment not exceeding tenn stripes, in such cases as are by law referred to the judgment of any one magistrate, taking depositions, joyning persons in marriage according to lawe, ending small causes and actions not exceeding forty shillings; & all this for the tyme being, & wthin the precincts of the toune where they dwell.

Order for co-
missionating
associates.

[*134.]

*Att a meeting of the councill the 28th of December, 1676, vpon complaint made by the selectmen of Boston of the inconvenience of the strajtnes of the streets lately layd wast by the fire, it is ordered, that no person or per-

Councills act
enabling y^e
selectmen to
rectify the wast
street.

1677.

24 May.

sons presume to build there againe without the advice and order of the selectmen, till the next Generall Court.

By the councill.

EDW: RAWSON, Secret.

Selectmens order & staking out y^e street, &c.

Att a meeting of the selectmen of Boston the 1st of January, 1676, wth divers of the inhabitants of the toune whose houses were layd wast by the late fier, the order of the honord council was read to them; and the select men staked out the streets, and declared, that any man might rebuild his house with their approbation & consent, that should observe the ensuing directions concerning the street: that the west side of the streete from Major Thomas Clarks brick wall vnto a stake neere the corner of Thomas Joys land, in that lane which leads to the place of the north meeting house; and from that stake along the sd west side of the way, as now staked out, to the corner of M^r Edmund Mountfords foundation on the same side of the way; and from the corner of M^r Warrens house, vpon the east side of the way, to a stake in the land of Daniel Turin, Juñ, ouer against that of Thomas Joyes corner, where the streete is to be twenty & two ffoote in breadth, and so all along the street to Edmvd Mountfords two houses on each side of the way, the lñe to runne from the aforesajd stake at Daniel Turells to another at Henry Cooly*, & from thence to Edmond Mountforts on the east, and so to the corner of Peeter Gees house, as now staked out.

The length & breadth.

This is a true copie of a reccord taken out of the booke of reccords belonging to the toune of Boston. As attests

JN^o JOYLIFF, Record^r

Satisfaction to y^e p^{ty}s not consenting.

The act of the council & returne of the selectmen of Boston, as aboue, being read & pervsed by the Court, who tooke notice that the street, as now layd out, is made wider & more accommodable to the publicke, & due satisfaction given & received by all persons concerned, one only excepted, the Court approoves of the act of the select men, and orders it to be proceeded in, & the person that hath not consented to haue the like proportionable satisfaction tendred him for so much of his land that is taken and staked out to y^e streete.

1 June.

Gentⁿ: —

Courts letter to Connecticut for their proportionable ayde.

These are to signify vnto yow the good pleasure of divine Prouidenc yett to suffer the ennemy to prevayle against our eastern plantations, wherein they haue lately killed sundry persons, & burnt doune some houses, and a considerable part wholly depopulated; and wee are lately informed that they

growing numerous, and haue had recruits of aſſition from the French, are grown to a great high of insolency, and doe threaten to spend the summer quarter in raiſing vpon our westerne quarters, hoping to lay waſt; *the consideration whereof hath put this Court vpon a resolution of raiſing forces for giving them a repulſe; doe judge that lesse then one hundred English, accompanied wth two hundred Indians, willbe ſufficient for giving them a repulſe; in the prosecution whereof, considering the relation wherein wee stand one to another by the articles of confederation, wee judge [^]is our duty to acquaint yow heerewith, and in confidence that yow will not fayle to send your proportion of men, furnished with prouiſſions and aſſition, eſpecially considering that the place of randevous willbe at Blackpoint, to w^{ch} yow may, wth like facilitje as ourselues, transport by sea from New London, where we haue ordered our forces to meete the 26th of this instant. Expecting yo^r compljance heerin, & speedy answer by the bearer, M^r Bull, whom wee haue sent as our messenger to hasten the more speedy dispatch, that so wee may haue no fayleur in a matter of so great concernment to the publick peace, wee shall take leaue, comitting yow to the guidance, blessing, & protection of God Almighty. We are

Your freinds & confederates.

EDW^d RAWSON, Secreſſ.

In the name & by order of y^e Generall Court of y^e Massachusetts.

1st Jūe, 1677.

1677.

1 June.

[*135.]

Sent by M^r
Bull 2^d June.

Gentⁿ: —

Wee suppose it is not vnknowne to yow the distresse that our easterne townes are in by reason of the comon ennemy, who is dajly infesting those parts, and hath proceeded on this side Pascataqua River. The expeditions wee haue formerly made against them wee haue given yow notice of, expecting your assistance, according to agreement of confederation, but haue not received answers thereto. The Generall Court, now sitting, haue concluded, as necessity doth require, to rayse three hundred men, one hundred English and two hundred Indians. Gentⁿ, you well know your just proportion of that number, and our ready compljance wth yow in your distresse at the beginning of the present warr. Our expence in this eastern warr, wherein wee haue had no assistance from yourselues, hath already binn some thousands of pounds, besides the liues of our people there; wee pray & expect that yow comply in sending your proportion; wee indeavo^r, wth all expedition, to advance our forces so as that they may be at Blacke Point on the twenty sixth, whither your men may be easily shipped of from any of your townes, whenc

Gen^l Courts
letter to Plijm-
outh for ayd.

Sent by M^r
Ammy Corlet.

1677.

1 June.

they may advance as intelligence & opportunity presents. Wee expect your compliance herein, & speedy answer heere to by the bearer, M^r Ammy Corlet, or otheruise. Letters of the same import wee haue also dispatch^t to our freinds of Connecticut, for their assistance accordingly. Comitting yourselues & council to the guidance of Almighty God, wee are,

Your freinds & confederates,

The Gener^l Court of the Massachusetts.

EDWARD RAWSON, Secre^t,

& signed by y^rir order.

1st June, 1677.

[Page *136 is in an unknown hand.]

[*136.]

Anst^r to Mary
Allens peti^{ti}on.

*In ans^r to the peti^{ti}on of Mary Allen, late of Dearfeild, the Court judgeth it meet y^t John Roote & his wife, who was lately the wife of Samuel Hinsdale, shall be and hereby are impowred to giue legall assurance of y^e land therein mentioned unto the peti^{ti}on^r, Mary Allen, & hir children, according to her desire.

Leif^t Thomas
Hinchman cap^t
of the troop y^t
was lately Cap^t
Whealers, &c.

The Court, being informed that Cap^t Thomas Wheelers troop is much diminished, partly by his death & others, & partly by remouall to other places, whereby there numbers doe not much exceed thirty troopers; considering also the benefit that may accrew to the country by upholding a troope on our outside townes, doe order & enact, by the authority of this Court it is ordered & enacted, that Leif^t Thomas Hinchman be cap^t of y^e sd troope, & M^r John Flint his leu^t, and all the troopers in Sudbury, Marlborough, & Concord, y^t are at present under the command of Cap^t Thomas Prentice, are hereby ordered & required to performe y^r service under the command of the sd Cap^t Hinchman & his officers, as an addition to that troope.

Anst^r to Edw^d
Flints peti^{ti}on,
10th of the 20th
fine remitted.

In answer to the peti^{ti}on of Edward Flint, of Salem, the Cōrt judgeth it meet to remitt & abate the peti^{ti}on^r the one halfe of the 20th fine due to the country.

Courts ans^r to
M^{rs} Belling-
hams motion,
& hir interest
set out & de-
clared.

In answer to the motion of M^{rs} Penelope Bellingham, the relict widow of the late hono^rable Gouⁿnour, Richard Bellingham, Esq^r, deceased, this Court doth order, that she shall haue his dwelling house in Boston, & lands joyning, & other buildings adjacent, as also the farme now occupied by Samu^ell Townsend, during her naturall life, as also the household stuffe left her in the house, together with the ballance of M^r Stoddards acco^t, which is forty six pounds thirteen shillings, to be at her dispose, with two cowes she had, & 5^{li} lent her, & three pound odd moneys in stuffe for a gounne, delivered by the trustees, provided allwayes that she shall not make any strey or wast of

wood or timber, & at her chardge, from time to time, & at all times, keep the houses & fences tenantable & in good repaire.

In answer to the peñion of Robert Symons, servant to Jn^o Comes, humbly desiring the favour of this Court to remitt his fine imposed on him by the County Cōrt, the Court sees no cause to graunt his request.

In ans^r to the peñion of severall inhabitants & tradesmen of Boston, as shoemakers, coopers, taylo^rs, & joyners, in ans^r thereunto, the Court judgeth it meet to referr the consideration thereof to Edward Ting, Esq^r, Cap^t Hugh Mason, Cap^t Stileman, & Cap^t Fisher, a committee appointed by this Court, M^r Edward Ting to appoint time & place of meeting, to draw up something as to the regulation of trade, & to present the same to this Courts further consideration, at the next sessions of this Court.

1677.

1 June.
Ans^r to Symons petition.

Ans^r to 4 tradesmens petition, shoemakers, coopers, taylors, joiners.

*Gentⁿ:—

[*137.]

Vpon the motion of this Court formerly for the erecting a new ædifice for the colledge at Cambridge, wee received from yo^r townes subscriptions of considerable value, at w^{ch} time wee suppose there was vpon yow a serious sence of so good a worke, which procured so free a promise from yo^rselues; but so it is that the ouerseers of that worke, who were entrusted to receive the same, make complaint that yow are yet behind considerably of your engagements on that behalfe, whereby the building is obstructed. The want of some supply makes the house wholly vseless, & frustrates the dono^rs intentions & the countrys just expectation. Wee entreate & expect that yow hasten wthin two months to compleat your full summs, & remitt the same to M^r Maning, & others of Cambridge betruusted in that matter, that the worke may be finished, and this Court prevented further trouble of taking the same by distresse. Herein yow will comply wth your owne duty. This is all I am comāded at present.

Gen^l Courts letter to y^r severall ministers & selectmen of y^r seu^l townes abt subscriptions to y^r colledge, &c, & haue not p^d. 33.

EDW^d RAWSON, Secre^t.

In y^e name & by order of the Generall Court.

Gentⁿ:—

The necessity of the case presseth vs to write these lines to excite & stir vp the godly & well disposed minds of yo^rselues, brethren, & neighbours, the inhabitants of Ipswich, &c, to joyne yo^r helping hands in a free contribution for finishing the new bricke colledge at Cambridge, w^{ch} being begynn about two yeares since, and advanced in a good measure, but during the warr hath stood at a stay for want of mony to finish it; but now the old colledge being fallen downe, a part of it, and thereby rendered not habitable, and the new colledge

Court^r letter y^r ministers & select men of those towns y^t haue not subscribed. 11. Salem, Ipswich. Sent forth both.

1677.

1 June.

is like to suffer much damage if it be not speedily finished, these considerations vrge vs to desire yow will follow the example of yo^r brethren and neighbors in other parts of the country, & speedily collect what the Lord doth encljue the hearts of the good people of yo^r toune to contribute for this good & publick worke. Touching the way & manner to effect this matter, wee leaue it to yo^r prudence, only desire your dispatch in this affayre w^{thin} a moneth or two at the furthest, and that yow will endeavor to procure what yow can in money, or that which is æquivalent, because the worke will neede such specie; and what yee shall doe herein, either by w^{ay} of subscription, or receive in money or other pay, wee desire that yow will transmitt it to M^r Maning and Deacon Cooper, of Cambridge, stewards for that affayre, whose receite shallbe sufficient. Wee hope there is no neede of arguments to excite yow herevnto; wee shall only desire yow to consider that scripture, 1 Chronē 29, especially from verse 10 to 17, wherein David and the people of Israell gaue liberally vnto a good worke, praying God that he had given them hearts to offer so willingly, acknouledging that all their substance came from God, & that of his oune they had given him, vers 13. But wee shall add no more, but comitt yow to God, & remajne,

Yo^r loving freinds, the Gen^l Court of y^e Massachusetts.

Signed by their order, EDW^d RAWSON, Sec^{ry}.

Boston, 23 May, 1677.

[*138.]

Courts comit-
tee to repaire
to Salisbury &
heale y^r dif-
ferences.

*In ans^r to the petition of seuerall members of the church & inhabitants of the toune of Salisbury, it is ordered, that Majo^r Generall Dennison, Thomas Danforth, & Joseph Dudley, Esq^{rs}, Majo^r Thomas Sauage, Cap^t Hugh Mason, Cap^t Daniel Fisher, Major Samuel Apleton, & M^r Thomas Graues, shallbe & heereby are impowred, as the comittee of this Court, to repajre vnto Salisbury Towne, & conuene before them the inhabitants of the sajd place; & after a full hearing of the rise & grounds of the disturbance & contentions that haue of late yeares hapued amongst them, refferring to their civill & ecclesiasticall concernes, & to make such a conclusion as may haue a tendency to the healling of their spirits, and putting an end to their quarrells, & preventing the like for the future; and all persons concerned are required to attend time & place that shall be appointed for their meeting, & submitt to the determination that shallbe by the comittee mad^e & given, and the comittee is to make the report of their result to the next session of this Court.

Young men
not able to help
yselue to be im-
prt, & as many
releust out of
York, Doff, &c.

Information being given to this Court of sundry young men & single persons in the eastern countys that are out of employment, & not capeable to prouide for themselues, by reason of the troubles there; to the end they may

be the better provided for, & improved for the publique safety, it is heereby ordered, that they be forthwith impressed into the countrys service, (by eastern countys is to be vnderstood the countjes of Yorkes, Dover & Portsmouth,) provided that there be as many of the souldjers from those parts now in garrison in those townes dismissed as are pressed & taken into the service aboue mentioned.

1677.

1 June.

Lef^t W^m Clarke, Lef^t David Wilton, Lef^t W^m Alice, & Deacon Peter Tilton, returned to this Court as chosen to be associates for Hampshire Courts for y^e yeere, were allowed of.

Hamp^s associates.

Cap^t Jn^o Wincoll, M^r Edward Rishworth, M^r Samuel Wheelwright, & M^r W^m Symonds, returned to y^e Court as chosen to be associats for y^e county of Yorks for this yeere, was allowed & approved of by this Court.

Yorks associates.

Majo^r Richard Waldron, Cap^t Eljas Styleman, M^r Richard Martyn, & Cap^t Thō Daniel, returned to this Court as chosen associates for this yeare for the County Court of Douer, were allowed of by this Court.

Douer associates.

Cap^t Nathaniel Saltonstall, Cap^t Thomas Bradbury, & M^r Samuel Dalton, returned to this Court as chosen associates for the County Court of Norfolk, were allowed & approved of by this Court for this yeare.

Norfolke associates.

Cap^t Nathaniel Saltonstall is appointed to haue majestratticall authority in Hauerill for this yeare ensuing.

Cap^t Saltonstall invested wth magistratticall authority

M^r Samuel Dalton is appointed, & was alike impowred wth majestratticall authority in Hampton for this yeare ensuing.

in Hauerill.

Majo^r Richard Waldron ffor Yorks, Douer & Portsmouth, and Cap^t Elias Styleman & M^r Richard Martyn for Portsmouth & Douer, wer alike invested wth magistratticall authority for the yeare ensuing.

So is M^r Dalton in Hampton.

Douer & Portsmouth commissiō's, &c.

*Vpon a motion made in behalfe of the toune of Newbery for some meet person to be invested wth magistratticall power there for this yeare ensuing, M^r John Woodbridge, Señ, is impowred to act in all respects as any magistrate may doe wthin the sajd toune for the yeare ensuing.

[* 139.]

M^r John Woodbridge of Newberys power.

In ans^r to the motion from the comitte of militia for the toune of Salisbury, the Court judgeth it meete that the comitte of militia take Majo^r Pikes account as of other men, and that it be presented to those whom it doth concern, that due satisfaction may be made accordingly.

Major Pikes account to be taken.

In ans^r to the request of Dedham, Cap^t Daniel Fisher is heereby impowred and authorized to joyne persons in marriage in Dedham, legally published there, at least one of them, as also to take & give oaths there.

Cap^t Fishers power to marry, &c.

In answer to the petiçō of Jn^o Woods, constable of Marlborough, humbly informing that, since Marlborows scattering by the late warr, twenty seuen families are returned, and therefore desire he may conuene the inhabit-

Ans^r to Jn^o Woods petiçō as to Marlborow choice of selectmen, &c.

1677.

1 June.

Courts ans^r to
Chebachos
petiçon.

ants legally capeable to choose select men and other officers according to law, that so they may have government and order in the toune, the Court grants this request.

In ans^r to the petiçon of the inhabitants of Chebacho, belonging to the toune of Ipsuich, humbly desiring the favour of this Court, that, to prevent the profanation of the Saboath, they living so remote, to grant them liberty to build themselves a meeting house, &c, —

The Court judgeth it meet to referr the petiçoners to make their application to the toune of Ipsuich for a due consideration of their motion, and order the sajd toune to give in their answer to the same to the next session of this Court, in order to a determination therevpon.

Quartm^r Perkins account
refferd.

The account of Quarter Master Perkins being exhibbited to y^e Gennerall Court by Phillip Fowler, being perved, the Court finds many articles too highly charged, and doe therefore referr the consideration thereof to the comitte of the army to examine, and passe what they finde just & meet to be allowed.

Ans^r to Susanna Ayres petiçon.

In ans^r to the petiçon of Susanna Ayres, late of Quoboag, widdow, aljas Brookfeild, humbly desiring the favour of this Court that what she expended on & the souldjers had of her for y^e countrys vse, as five pounds tenn shillings in swyne, by Cap^t Pooles order, as also seventeene shillings & seven pence Ephrajm Curtis had for him self & company, & horses, on the countrys account, wth what Major Willard had, which will appeare by the account, she may be *pajd & satisfied for, the Court grants hir request.

[*140.]

Ans^r to Mary Kemballs petiçon.

In ans^r to the petiçon of Mary Kemball, of Bradford, widdow, humbly desiring the favour of this Court to comisserate hir sorrowfull condition, that the payments due from hir to the country may be released till she shallbe capacitated & enabled to provide for her vrgent necessitjes, the Court judgeth it meete to grant hir request.

Ans^r to Georg Blanchards petiçon, &c.

In ans^r to the petiçon of George Blanchard, Samuel Blanchard, Joseph Blanchard, & Thomas Shepheard, the law, title Possessions, if the petiçoners make a true report, fully answers what is desired, and therefore the petiçoners is referred to the comon law.

Order enabling M^r Elljot, relict to M^r Jn^r Elljott, to sell, &c.

It is ordered by this Court, that M^{rs} Elisabeth Elljot, relict & sole executrix vnto the late M^r John Elljot, pastor of Cambridg Village, wth the consent of the oūseers of the will, be, & hereby are, enabled wth full power to sell & alljenate the houses and lands in that place, lately belonging to the deceased, vnto M^r Nehemiah Hubbard, minister of that place, or to any other person or persons, & their heires for euer, forasmuch as the sajd house goes to decay dayly, & repaires will flarr exceed the rent, and the widdow &

hir sonn much suffer thereby, provided it be donn according to y^e termes of the will.

1677.

1 June.

In ans^r to the petition of Elisabeth Bent, in behalf of hir sonn, Peter Bent, humbly desiring the remittment of the fines imposed, the Court judgeth it meet to suspend the tenn pounds fine to the country till this Court take further order therein.

Peter Bents
10^{lb} fine sus-
pended.

In ans^r to the petiōn of John Bridgham, Jathan Bridgham, & Joseph Bridgham, Henry Allin, Robert Sanderson, ouerseers to the two younger brothers, &c, the Court judgeth it meet to referr the consideration & determination of their petiōn to the County Court for Suffolke to make diuission & settlement of what is petiōned for as they shall judge aequall, according to law.

Ans^r to John
Bridgham pe-
tiōns, &c.

This Court, on sundry considerations them mooving therevnto, doe grant vnto Thomas Eames two hundred acres of land, to be l^yd out in any free place, not prejudicing the laying out of a plantation.

Courts grant
200 acres to
Tho. Eames.

In ans^r to the petiōn of seuerall troopers formerly vnder Capt^t George Coruin, humbly desiring the favour of this Court to grant them a dismission from trayning, &c, the Court grants the petiōners request, provided they once wthin two moneths list themselves in some other troope, or otheruise to returne into the ffoot companyes in the townes where they live.

Salem troop-
ers liberty, &c.

In ans^r to the petiōn of W^m Needome, the Court declares that the five pounds mentioned in his petiōn, being divided amongst the souldjers for salvage, cannot be recalled.

Ans^r to W^m
Needams peti-
con.

*An account of the late Capt^t W^m Daus, presented to this Court by Benjamin Daus, his son & execut^r, the Court refferred it to the comittee of the army & comissarys for examination & approbation.

[*141.]

Capt^t Daus ac-
co^t. Comittes
of armys re-
turne.

The comittee of the army made their returne, wherevpon the Court orders the Tresurer of the country to make payment of the summe of one hundred & seventy pounds seventeene shillings & seven pence money.

Treas^r to pay
170^{lb} 17^s 7^d.

In ans^r to the petition of M^r John West, deputy for Beverly, and on their behalf, the petiōners request is granted, & Cornet Whiple being appointed, in case the majo^r geñll cannot attend it, in his roome, to proceed wth the other gent^a formerly appointed to vejw the place as in the former order is provided, & that they make their returne to this Court at their next sessions.

Ans^r to Beuer-
ly petiōn.

In ans^r to the request of seuerall merchants of Boston, declaring that they haue heard many complaints made by merchants and others that haue binn sencible of the losse of letters, whereby merchants wth their freinds & imployers in forreigne parts are greatly damified, many times letters are throune vpon the exchange, that who will may take them vp, &c, therefore

M^r John Hay-
ward postmas-
ter, &c.

1677.

1 June.

humbly desire this Court to depute some meete person to take in & convey letters according to y^r direction, this Court judgeth it meete to grant the petitioners request herein, & haue made choyce of M^r John Hayward, the scrivener, to be the person for that service.

Ans^r to Priscilla Leuerdeurs petiçon.

In ans^r to the petiçon of M^{rs} Priscilla Leuerdeur, the Court sees no cause to remitt or abate the mulct as petiçoned for.

Ans^r to Wrenthams petiço.

In ans^r to the petiçon of the inhabitants of Wrentham, the Court grants the petiçoners request, and orders Ensigne Thomas Fuller to be of the comittee, in the roome of the late Cap^t Foster, to vejw, & make return to y^e Court.

Order about Joseph Kellog.

It is ordered by this Court, that Joseph Kellog, ferryman, of Hadley, be payd by the Tresurer of the country forty pounds, as allowance for his losse of his teame, impressed for the countrys service, and wth refference to his ferriage of souldjers, provided that the forty pounds aboue mentioned be extended no further then the first of May last was twelue month wth relation to ferriage.

Ans^r to selectmen of Marbleheads petiçon.

In ans^r to the petition of the selectmen of Marblehead, it is ordered, that M^r Moses Mauericke, Samuel Ward, & Ambrose Gale shallbe, and heereby are, empowred as comissioners to end smale causes at Marblehead according to law; and also that M^r Mauerick haue power to joyne persons in marriage wthin the sajd tounne where no legall impediment appeares, and also to administer oathes both in civil & criminall cases.

M^r Moses Mauerick to marry & take oath, &c.

[*142.]

Courts order as to M^r Jamie Russell accounts & paym^t.

*In ans^r to the petition of M^r James Russell, execcutor to the last will & testament of Richard Russell, Esq^r, it is ordered by this Court, that the Tresurer doe forthwith make payment of the petiçoners accounts yet resting to him, and that the comittee which auditted his former accounts doe againe meete & audit what he hath further to p^sent as due to the peticoner from the country, and to make returne of what they shall finde due to the present sessions of this Court if it may be effected.

31st 04th 7.

It is ordered, that the ballance of the late Tresurer Russells accounts, put into this Court by M^r James Russell, his son & execcutor, amounting to one hundred & seventy pounds seventeen shillings & fower pence in money, & one hundred forty three pounds seven shillings & three pence, in all three hundred & fowerteen pounds fower shillings & seuen pence, be payd by the Tresurer to the sajd M^r James Russell, execcutor to y^e last will, &c, and in the species as aboue.

Order ab^t Hampshire disbursm^{ts}.

This Court, hauing ordered the accounts of Hampshire disbursments to be examined by the comittee for the warr, & the returne to be made to the Court now sitting, the sajd comittee declaring they cannot goe through the

same before the Court breakes vp, it is ordered, that the returne of the comitte be brought in to the council for their approbation, and ordering payment by the Treasurer.

1677.

1 June.

In ans^r to the petition of Major Bryan Pendleton, the Court, on pervsall of the returne of the comitte, to whom they refferred the examination of the matter exprest therein, doe order, that the petitioner be payd for his fower oxen twenty pounds by the country Treasurer, & for other things mentioned in his petition, that he haue liberty to take it where he can finde it.

Courts ans^r to
Maj^r Pendle-
ton's peti-
cion.

In ans^r to the petition of Rachell Pouter, of Billirica, widdow, the Court judgeth it meete to reffer the consideration thereof to the next County Court, in reference to the grounds & reasons thereof.

Ans^r to Rachell
Pouters peti-
cion.

In ans^r to the petition of seuerall the inhabitants of Rowley, Maximilljan Jewett, &c, this Court declares, that in case the difference in the toun & church of Rouley, mentioned in the peti^on, be not taken vp & healed betweene themselues before the next sessions, the sd case then to be heard on the third day of the next sessions, and all partjes concerned are to take notice thereof, and make their appearance accordingly.

Ans^r to Rowley
petition.

[Pages *143, *144, and *145 are in an unknown handwriting, with interlineations by Secretary Rawson.]

*In ans^r to the humble motion of the towne of Hadly by their deputy, it is ordered, that Leif^t Sam^l Smith shall be, and hereby is, impowred to solemnize marriage & take depositions in the towne of Hadly.

[*143.]

Leif^t Sam^l
Smith to marry
& giue oaths at
Hadly.

In answer to the peti^on of Major Thomas Clarke & M^{rs} Mary Lake, relict of the late Cap^t Thomas Lake, it's ordered, that the two gunns mentioned in their peti^on, brought to Boston by Major Waldron, be againe restored to them.

Ans^r to Major
Clarke & M^{rs}
Mary Lakes
peti^ons; yr
gunns to be
restored.

In ans^r to the peti^on of W^m Bennet, in y^e behalfe of himselfe & the rest of the inhabitants of the towne of Manchester, it is ordered, y^t Samuel Gardner, of Salem, John Dodge, of Beverly, Leif^t Philip Nelson, of Rowley, & Cap^t W^m Gerrish, of Newberry, or any three of them, be a committee to veiw & state the bounds between Ipswich & said Manchester, & make y^r returne to the Court for determination.

Ans^r to Man-
chesters peti-
cion; a comitte
appointed.


In ans^r to the peti^ons of Major Richard Waldron & Major Robert Pike, the Court doth order, that the sd Barefoot be againe returned to jayle, in satisfaction of the execution out agst him, & the peti^ons, and either of them, are hereby impowred to effect the same, all marshalls & constables being hereby required to yeeld assistance therein, that the same be forthwith effectually endeavoured, or else the judgment of Salisbury Court to stand good agst the peti^ons, & the County Court, that respited the execution, on complaint made, are accordingly to giue order for levijng the same.


Ans^r to Maj^r
Waldron &
Major Pikes
peti^on as to
Barefoot, &c.

1677.

1 June.

Bradford brand
marke, 
Concord brand
marke, 

In answer to the petition of the inhabitants of the towne of Bradford, humbly desiring the favour of this Court to appoint them a brandmarke, as set in their petition, the Court grants their request, as it is here, 

In answer to the request of the towne of Concord, the Court grants that the mark y^r presented be their townes brandmark, 

Ans^r to Clement
Gross's peti-
tion.

In answer to the petition of Clement Gross, who declared that, by the instigation of his late wife & friends, & by a wile, he was drawn to signe & seal to an instrument he never understood, conveying all his estate to M^r Rich^d Collocot & Sargeant Norden, his feoffees in trust, to her & her childrens use, leaving him nothing to pay his debts, &c, humbly begging the favour of this Court to null the same, the sd feoffees were sent for, brought in their deed, & on the back thereof endor^{sd}. Wee, whose names are underwritten, being feoffees in trust for y^e children within mentioned in this deed, upon the motion of the honoured Generall Court, now assembled, y^e 23^d May, 1677, doe hereby renounce our trust and any right to the within mentioned premises for the sd children and our selues, as we are concerned therein, not doubting but the Gen^l Court will settle an estate upon the children æquall with y^e rest of Clement Gross his other children, & see they will be brought vp during y^r nonage. Boston, 26 May, 1676.

RICH^d COLLICAT,
SAMUEL NORDEN.

Witness, Thomas Gross,
John Williams.

Referred to the
County Courts
determination.

The feoffees were sent for, & appearing in Court, made y^r surrend^r, & renunciation of their power & interest in the deed, which the Court orders to be transmitted to the County Court for Suffolke, & that it be entered on y^r records, & that some due care be taken for the education & portions of the two children mentioned by the County Court, Clement Gross being at the charge solely of this accom as to coppies & recording.

W^m Cogswell
p^d y^r 10th in
corts. Costs,
11th 7th 10^d.

In the case of W^m Cogswell, executor, &c, by his petition, plaintiff, agst John Cogswell, defend^t, after all the evidences in the case produced were read and duly considered, the Court found for the defend^t, besides ten pounds for the hearing of the case, costs of Court twenty seven shillings & ten pence.

[*144.]

Jⁿ Cogswell
pl^t agst W^m
C Cogswell de-
fnd.

*In the case of John Cogswell, pl^t, by his petition, agst W^m Cogswell, execut^r, &c, defnd, after all evidences in the case produced were read & duly considered of, the Court found for the plaintiff, Jⁿ Cogswell, viz^t, the settlement of the farme to him & his heires, according to the lease from the towne

of Ipswich, & the reversing of an execution for which he was in prison, for Court charges, with five pounds for hearing the case, & costs of Courts, in all nineteen pounds two shillings & sixpence.

1677.

1 June.

It is ordered, y^t John Price be cap^t, & Jn^o Higginson be leif^t, of the easterly foot company at Salem.

Dudly Broadstreet is appointed cap^t to the foot company at Andever.

Jonathan Wade is appointed cap^t of the Three County Troope, & Corporall W^m Green cornet, Isaak Brooks quarter master, of that troope.

John Haughthorne is appointed cap^t of the foot company in Beverly, Jonathan Poole cap^t for Redding.

Daniel Turin is appointed leif^t to Major Clarks foot company in Boston.

Joseph Dudley, Esq^r, is appointed cap^t to the foot company in Roxbury.

Joseph Dudley, Esq^r, Cap^t, Rox, &c.

W^m Stoughton is appointed to be cap^t to the foot company in Dorchester.

Peter Bulkly is appointed cap^t to the foot company in Concord.

M^r Joseph Cook is appointed leif^t to Major Googins foot company in Cambridge.

It is ordered by the artillery company in Boston, 7th September, 1657, —

Ancient & Honorable Company.

1. That, whereas there is an agreement & order that every member of the company is to pay fowr shillings p year for their quarterages into the hands of the clerke, y^t whatsoever is due from any of the company shall be paid within one month into his hands who is the present clerke.

2. It is further ordered by the company, that, for time to come, every one that is a member of the company shall pay into the hands of the clerke, vpon the election dayes, or before, his quarterage for the yeare past.

3. It is further ordered by the company, that the trayning dayes for this company be five yearly, & they to be on the first Mundayes of April, May, June, September, & October, yearly, & that then every officer & souldier is to appear at their colours by eight of the clock in the morning; & if the Munday proue foule, y^e Friday after is appointed.

4. It is further ordered by the company, y^t, if any shall neglect to appear in armes four trayning dayes together, and not giue an account of it to the satisfaction of the company, he shall then pay to the company what is due both for fines & for quarterages, & haue his name put out of the rowle, & no more to be accounted a member of the company.

5. It is further ordered by the company, that if any be chosen to any office in y^e company, & hath not born an higher office in the company before, & shall refuse to hold the office he is chosen to, he so far slighting the company, shall pay what arrears he is yet behind to the

1677.

1 June.

company, & haue his name put out of the company's roule, & no longer be acknowledged a member of the company.

6. It is farther ordered by the company, that the clarke, without any farther order, shall haue full power to distreine for any fines or quarterages due to the company that shall be vnpaid one month after they are due.

7. It is farther ordered by the company, that the clarke shall every trayning day bring the book of the companies ord's into the feild, that it may be there not only to call over the company, [bu]t to enter any that is admitted, & enter any orders y^t shall be made.

8. It [i]s farther ordered by the company, that the clarks accōt, yearly, shall, after the day of the election, & before the next trayning day in September, be audited by those who were the commission officers the year past with the cap^t & clarke y^t is new chosen, that accounts may be dilivered into the new clarks hands.

9. It is farther ordered by the company, that whereas no towne trayning is to be vpon artillery dayes, yet the *yet the* comāder of the artillery may haue liberty to request so much fauour of any cap^t, and he not be a transgressor of the order to graunt it, to meet with his company upon such dayes with the artillery for the better helping forward discipline in the company.

[*145.]

*10. It is farther ordered by the company, that a perfect list shall be taken of the members of the company, &, being perfected, shall be called ovē every trayning day.

It is also desird by y^e company, that these seſſ^l order may be presented by Majo^r Atherton to y^e council for their approbation of them, y^t so they may carry more authority wth y^{em}. Aprill 5, 1675. It was y^{en} voted by y^e artillery company, y^t y^e orders of y^e company be presented by Thomas Clark, Esq^r, to the General Court or counsell for their confirmation.

P JN^o MORSE, Clark.

The Court, having pused the aboue written orders of the artillery company, doe allow & approue thereof. As attests

EDWARD RAWSON, Secy.

John Alden,
plaintiff, agst
Major Thomas
Clark.

In the case now depending between John Alden, plaintiff, agst now Majo^r Thomas Clark, Esq^r, defendant, in an action of the case comming to this Courts cognizance by peñon, whereby he complains of dammage to the value of 6 thousand foot of boards, or eighteen pounds of silver, & all due dammages, the Court, on a full hearing of the case & all evidences therein, doe find for the plaintiffe a reversing of former judgments in the case & costs of Court.

In ans^r to y^e petiçōn of Thō Haukins, the Court gr̃ted a hearing of y^e case on Tuesday next, & parties concernd to be sūmōned to attend y^e concerne.

1677.

1 June.

Thomas Hau-
kins ag^t Samp-
son Sheafe, &c.

This Court, having taken into consideration the petiōn of Thomas Haukins, plaintiff, ag^t Sampson Sheafe, defnd^t, together with the promise made to the s^d Haukins before & after the mortgage, & the ingagements of the s^d Sheafe to Leif^t Rich^d Cooke or his assignes, trustees for and in behalfe of the wife & children of s^d Hawkins, and hauing heard the allegations & all the euidence in y^e whole buisnes, doe finde for the sayd p^tt, y^e s^d Hawkins, & doe order for a finall issue, that s^d Sheafe do pay to Richard Collecot, assignee of Richard Cook, the summe of seventy five pounds in money to the s^d Sheafe, to be discharged, and the s^d Collicot to giue caution to the County Court of Suffolk for the payment & improuement of the s^d summe of s^d Hawkins, his wife, & children, from time to time, as the s^d County Court shall see cause, & giue order [^] the s^d Sheafe to pay all costs of Courts, & for this Courts hearing of the case, five pounds, with costs, forty two shillings & two pence.

In answer to the petiçōn of Mr Richard Wharton, humbly desiring that the sentanc of this Court in May, 1674, laying a restreint vpon him from pleading any cause but his owne & Mr Bellinghams, thrō a misrepresentation of matters then chardged on him, that he maybe released therefrom, &c, the Court judgeth it meet to grant his request therein.

Ans^r to Mr
Wharton peti-
çōn, & is on
file.

In ans^r to the petiçōn of Jonathan Atherton, the Court, on perusal thereof, declare, they see no reason to graunt his request therein.

In answer to the petiōn of Benanuell Bowers, the Court judgeth meet to referr the consideration thereof to the next County Court in Middlesex for answer.

Benanuell Bowers, of Charlstowne, now in Cambridge, upon the 5th day of March last, did, by the hand of Elizabeth, his wife, present, together with a Quakers book, a paper of scurrilous verses, superscribed to Thomas Danforth, magistrate, wherein not only the person of the honoured Mr Danforth is much defamed, & the hono^r & dignity of his place, but also our honoured magistrates vilified, slighted, & contemned, & our ministry highly reproached, which s^d paper of his hath been presented to & perused by this Court, & the s^d Bower had opertunity to answer for himselfe, & being legally convicted, by sufficient testimony, of this his scandalous offence, the Court doth sentence him, the s^d Bower, for such his offence, to be openly whipt the next fifth day, after lecture, in Boston, with twenty stripes, & that a declaration be made, & then & there read, of the cause of his punishment.

1677.

**Att a Gennerall Court, held at Boston, 10th of October, 1677.*

10 October.

[*146.]

PRESENT, Jn^o Leu^{et}, Esq^r, Gō,
 Sa^m Symonds, Esq^r, Dep^t Gō,
 Symon Bradstreet,
 Daniel Gookin,
 Daniel Dennison,
 Thomas Danforth,
 W^m Hawthorn,
 John Pinchon,
 Edward Tyng,
 Thō Clarke,
 Joseph Dudley.

The deputies that served at this Court are to be seene in y^e deputjes booke.

Cap^t Thō Sauage was chosen Speaker for y^e session.

WHEREAS many secret attempts haue binn lately made by euil minded persons to set fire in the toune of Boston and other places, tending to the destruction of the whole, this Court doeth account it their duty to vse all lawfull meanes to discouer such persons and prevent the like for time to come.

Bee it therefore ordered & enacted by this Court and the authority thereof, that the law, title Oath^s and Subscriptions, page 120, sect 2^d, requiring all persons, as well inhabitants as straingers, (that haue not taken it,) to take the oath of fidelity to the country, be reuiued and put in practise through this jurisdiction. And for the more effectuall execution thereof, it is ordered by this Court, that the selectmen, constables, and tithingmen, in euery toune, doe, once euery quarter of a yeare, so proportion and diuide the precincts of each toune, and goe from house to house, and take an exact list of the names, quality, and callings of euery person, whither inhabitant or stranger, that haue not taken the sajd oath, and cannot make due prooffe thereof; and the officers aforesajd are hereby required forthuith to returne the names of such persons vnto the next magistrate, or County Court, or cheife military officers in the towne where no magistrate is, who are required to give such persons the sajd oath prescribed in the law, wherein not only fidelity to the country, but allegiance to our king, is required; and all such as take the sajd oath shallbe recorded and enrouled in the county reccords by the clarke of each

County Court, & all such as refuse to take the said oath, they shall be proceeded against as the said law directs. And further, this Court doeth declare, that all such refusers to take the said oath shall not haue the bennefits of our laws to implead, sue, or recouer any debt in any Court or Courts wthin this jurisdiction, nor haue protection from this goũment whilst they continue in such obstinate refusal.

And, furthermore, it is ordered, that if any officer intrusted wth the execution of this order doe neglect or omitt his or their duty therein, they shall be fined according to their demerits, not exceeding fve pounds for one offence, being complained of or presented to the County Courts or Court of Assistants; and this law to be forthwith printed and published, and effectually executed from & after the last of November next; and that all persons that administer the oath abovesaid shall in like manner make retorne of the names of such persons so sworne to the respective clarks of the County Courts.

*This Court being informed, by letters received this day from our messengers, of his maj^{ties} expectation that the acts of trade and navigation be exactly and punctually observed by this his maj^{ties} colony, his pleasure therein not hauing binn before now signified vnto us, either by expresse from his majesty, or any of his ministers of state, —

1677.

10 October

[*147.]

His maj^{ties} acts
of nauigation
and trade to be
observed on
penalty, &c.

It is therefore hereby ordered, and by the authority of this Court enacted, that henceforth all masters of ships, ketches, or other vessells of lesser or greater burden, arriving in or sayling from any of the ports of this jurisdiction, doe, wthout covin or fraud, yeild faithfull and constant obedience vnto and observation of all the said acts of nauigation and trade, on penalty of suffering such forfeitures, loss, and damage as in the said acts are particularly expressed; and the Gouverno^r and council, and all officers comissionated and authorized by them, are hereby ordered and required to see to the strict obseruation of the said acts.

As an addition to the late law made in May last, for the prevention of profanation of the Saboath, and strengthening of the hands of tything men appointed to inspect the same, —

Addition to y^e
law title Sa-
boath, tything
mens power,
&c.

It is ordered, that those tything men shall be and are hereby appointed and impowred to inspect publicke licensed houses, as well as private, and vnlicensed houses, houses of enterテインement, as also ex officio to enter any such houses, & discharge their duty according to law; and the said tithing men are impowred to asist one another in their seuerall precincts, and to act in one anothers precincts, *and to act in one anothers precincts* wth as full power as in their oune, and yet to reteyne their special charges wthin their oune bounds.

1677.

10 October.

Order for a day
of thanksgiving
printed.

And it is ordered, that the whole fine rayseed by the penalty of this lawe vpon delinquents, either in publick or private houses, shallbe remitted to the county Treasurer, and the tything mens allowance made payable from him.

It is ordered, that the third Thirsday in November be set apart for a day of publick thanksgiving, and that there be a bill drawne for that purpose, as to the great plentifull harvest, a cessation of the wrath and rage of the ennemy in a great measure, &c. W^{ch} was don, & printed, published, & kept accordingly.

Orders abt the
Castle to couer
it wth lead, &c.

The Castle walls being in dainger & prejudice, by the not couering, and order being already past for finishing the couering, but litherto neglected, this Court doe order, that y^e former comittees take speedy care to buy & contract for lead for the doing of it, and sett workemen vpon the worke, y^t it maybe finished before winter, and that the country take care to pay for the same accordingly.

[*148.]

Order for 3
rates, 2 in
mony & y^e 3^d
in country pay.

*To the end that there may be a supply made to augment the publicke treasury, that due satisfaction may be made to such as to whom the country is indebted, it is hereby ordered, that there be forthwth levyed vpon the seuerall inhabitants of this jurisdiction two country rates, to be paid in money, and one country rate more to be paid in country pay; the prises of all sorts of corne and other things paid in the single country rate to be according to the last order of this Court wth relation therevnto. And it is further ordered, that the transportation of all things paid in the country rate shallbe at the chardge of the country, according to law; and that if any person or persons shall pay their single country rate in money, shall be abated one third p^{te}.

Courts order
for a present to
his maj^{ty}.

It is ordered, that the Treasurer doe forthwith prouide tenn barrells of cranburyes, two hogsheds of speciall good sampe, and three thousand of cod fish, to be sent to our messengers, by them to be presented to his majesty, as a present from this Court.

Courts order &
committee to
take y^e trustees
or stewards of
y^e colledge ac-
counts, &c.

It is ordered by this Court and authority thereof, that Cap^t Thomas Bratle for Suffolke, Majo^r Samuel Apleton for Essex, Cap^t Lawrence Hamond for Midlesex, Cap^t Nathaniel Saltonstall for Norfolke, Leiuten^{nt} Wilton for Hampshire, M^r Samuel Whelewright for Yorkshire, M^r Eljas Styleman for the county of Douer & Portsmouth shallbe a comittees, and are hereby im-
powred and authorized by this Court to take the account of the stewards of the new bricke building at the colledge, or any two of them, and to examine what rests yet behind, and vn-
payd of the contrybutions in the seuerall townes, and to make returne of what they finde to the Gouverno^r and council, in case of fayleur of the rest, who are by this Court requested to take effectuall course for the requiring what is yet due of all such persons as are yet liuing and

residing in such townes, or haue estate remayning, whereby they may make good such engagements, that so the account may be cleared before the Court of Election; as also that such townes and persons that haue not voluntarily subscribed may be stirred vp to contribute proportionably wth their brethren in their subscriptions.

1677.

10 October.

And it is further ordered, that any three of the aboue named gentlemen meeting at Cambridge shall be accounted a legall meeting, and haue power of action, and that Captaine Brattle appoint the time of meeting. The gentlemen of Hampshire, Yorkshire, Douer and Portsmouth may send their account to the gentlemen at their meeting at Cambridge.

*To the high & mighty Prince Charles the Second, by the grace of God king of England, Scotland, France, & Ireland, deffendor of the ffaith, &c.

[*149.]

22 October.

Illustrious S^r:—

Generall
Courts ad-
dresse to his
majty.

Your majestjes benignity appearing vnto us in our former addresses imboldens us at this time to prostrate ourselues before yow, humbly to acknowledge your royall grace & ffavour therein, more especially expressed by your majesty to the gentlemen, our messengers, sent with our last addresse to attend your majestjes comānds, which favour & grace, according to our humble confidence, hath binn effectuall to repell those false clamours which haue been layd before your majesty against us by some that haue not binn well affected to us, nor to your majestjes seruice wth us, in which grace, as wee haue a sence of divine favour therein, so we hope wee shall be enabled by the influences thereof to act so as to render ourselues at all times religiously obseruant of our duty to God, and loyalty to your majesty, our king, that wee may be euer numbred among your majjes, though poore, yet humble & loyall subjects.

Wherefore wee pray your majestjes gracious acceptanc of and pardon for this mite of acknouledgment from your poore subjects, wth the continuance of yo^r gracious promised favour to us, who are obliged to continue dayly prayers for your majjes long life, happy & glorious raigne.

Great S^r,

Your majties humble & loyall subjects,

JOHN LEUERET, Go^u, in y^e name

of the Gen^l Court.

22 October, 1677.

1677. Right Honour^{ble}—

22 October.
Courts letter
to lord chan-
cellor.

[*150.]

As wee haue great & abundant cause for euer, wth thankefull & loyall hearts, to acknowledge the clemency & benignity which his sacred maj^{tie} hath binn euer pleased to extend to this his poore plantation, in confirming our charter granted by his royall father, of blessed memory, not only wthout any infrigement, but some times wth intimation of his readynes to grant what might be further advantageous and beneficiall for the people here, to the great comfort & encouragem^t of his maj^{ties} dutyfull & loyall subjects in this remote parte of the world in the tyme of their greatest sufferings; so the deepe sence wee haue of your honors candor and favour *vouchsafed on our messengers in owning our righteous cause in this our low condition, and admitting a favorable hearing of them in refference to our concernes, hath made an indellible impression of grattitud and acknouledgment vpon the hearts of his maj^{ties} subjects here, and imbouldend us ffurther humbly to begg your honors just favour, countenance, & assistance, as the necessity of our concernes may call for. Wee doubt not but our messengers, or their council, haue declared that after the gouernment of the Prouince of Mayne was deserted by M^r Gorges, & that by the extent of our l^jne, peti^{con}, & free consent of the inhabitants, they were taken vnder this go^ument, and haue remayned so for more then twenty yeares, to the generall sattisfac^{con} and benefit of the inhabitants, but to our great charge & expence, especially in their late troubles wth the Indians, to the value of many thousand pounds; but if, notwthstanding all our pleas and allegations, his maj^{tie} and council shall see cause to order that prouince to belong to M^r Gorges, yet wee humbly implore your hono^r to mediate in our behalfe with his maj^{tie} & council, that our l^jne & patent may extend at least to Pascataqua Ryuer, taking in those few villages and that smale tract of land lying betwixt the two riuers of Merrimack & Pascataqua, w^{ch} hath binn vnder the go^ument, the most of them more then forty yeares, and neuer vnder any other orderly government before, nor so much as claymed by M^r Mason, and that some meete compensation may be allowed vs by M^r Gorges towards that vast charge and expence wee haue binn at to preserve those tounes which remajne in that prouince from being vtterly destroyed by the fury of the ennemy; ffor houeu^r our aduersaries may falsely suggest our neglect thereof, yet wee doe assure your hono^r in the words of trueth, wee put no difference between those parts and those that were & are vndoubtedly & wthout question within the l^jne of our patent; but such were their scittuation and distance one from another, that much blood was shed & damage done, & many captives taken, almost before wee knew there was an ennemy in those parts, all or the most of whom wee haue redeemed or regayned.

Right Hono^{ble}, wee are sensible of our great presumption and prolixity, and humbly begg yo^r hono^{rs} pardon ; but considering the high place the alluise God hath advanced your hono^r vnto, wee know none vnder God next his majesty whom wee may addresse ourselves and *open our hearts & desires vnto, wth hope of successe, as to yo^r noble selfe, the cheife minister of state in our deare native country, w^{ch} God hath so abundantly adorned wth the blessings of heaven & earth, and where justice, judgment, & æquity vseth to flow doune as a mighty streame. Wee therefore hope and confidently beleive, that from so grations & serene a prince, and so prudent, just, and pious judges & counsellors, wee shall haue no determinations against us which willbe justly greivous or discouraging to his maj^{ties} loyall subjects in this part of his dominion ; for thõ wee doe not judge ourselues wholly inocent, nor altogether without faylings, for huma[n]um est errare, yet wee hope, vpon tryall and examination, shall not be found much culpable of any great transgression, but are such indeed as vnfeignedly desire to feare God & hono^r the king, what euer our adversarjes may falsely & vnjustly suggest ; and could they obteyne their desires, to the discouraging, scattering, & ouerthrow of the welfare of this place and people, whom the God of heaven hath signally owned and blest, the ennemy could neuer be able to compensate the kings damāge.

Crauing your hono^rs pardon for this trouble & diuersion from yo^r more weighty affaires, we remajne,

Hono^{ble} Sr,
Yo^r humble supliants & servants,
JN^o LEUERET, Gof.

In the name of the Gen^l Court.

Boston, 22th October, 1677.

Right Hono^{ble} :

Your lordships compassionate regard & vnderdeserved respect & favour to those gentlemen that on behalfe of this his maj^{ties} colony haue beene respondents to the disturbing clajmes & qverulous complaints exhibbited by M^r Gorge & M^r Mason against us, *before his most excellent majesty, & the most honno^{ble} lords of the privy council, co^mmands our dutifull & humble prostration of ourselues, with a deepe sence of the greatest obligations to your honour for your so great justice & favor therein ; & may wee haue leaue to say, houeu^r ill & absurdly his maj^{ties} poore & distressed subjects in these parts are represented & rendred to his sacred majesty, or other most honorable persons concerned in the great affajres of government, (God knowes our hearts,) wee desire nothing more, next to our devotion towards God, then

1677.

22 October.

[*151.]

Courts letter to
lord privy
seale.

[*152.]

1677.

22 October.

to shew ourselues, though much disadvantaged by our remotion from home, his maj^{ties} most loyall & faithfull subjects, & are confidently assured by our continuance therein to finde favour in the sight of his majestie, & gracious aspect from your most hono^{ble} lordship, humbly imploring that, so farr as may consist wth the teñor of yo^r vnerring justice, our present occasion may obteyne dispatch, wth a full settlement & remoouall of all misvnderstanding betweene his majestie & us his devoted subjects, wth informations of our duty, in which, Almighty God assisting, wee shall euer continue. Praying for yo^r lordships health & happiness,

& remaine yo^r hono^rs

most humble servants,

JN^o LEUERET, Go^u.

In the name of the Generall Court.

Boston, 22th of October, 1677.

Courts letter to
S^r Henry Cou-
entry, secreta-
ry of state.

Right Hono^rble: —

Wee hauing observed a very honourable mention of your name in our letters received from our messengers, & information thereby of our particular obligation to your hono^r, the designe of this addresse is to tender our humble & hearty thanks for y^e benigne aspect vpon our messengers that are wayting his maj^{ties} pleasure in our behalfe, that yow haue binn pleased in so noble a manner to favo^r them wth your countenance & assistance in that affayre, renders us much your servants, and obliged to your hono^r in a great acknouledgment; and though wee are not able to make any suiteable retribution to your hono^r, yet we doubt not but Almighty God will abundantly reward your kindness & respect to a poore people in our circumstances; nor will it euer be any greeife of heart to yow that yow haue favored an honest cause, & contributed to the labouring interest of an afflicted people that desire to feare God & * & hono^r the king. Right hono^rble, that yo^r hono^rs kindness to this poore afflicted people may be remembred & rewarded by the righteous Judge, that yow may find mercy in that day, and that the blessing of them that were ready to perish may come vpon yow, is the hearty desire & prayer of,

[*153.]

Right hono^rable,

. Your hono^rs most obliged

Humble servants,

JN^o LEUERET, Go^u.

Boston, 22th of October, 1677.

Right Honno^rble : —

1677.

22 October.

Courts letter to
y^e Hono^rble
Joseph Wil-
liamson, secre-
tary of state.

The relation that our messengers haue given vs of your assisting them in their negotiation layes vs vnder a most deepe obligation of our due & humble acknowledgment thereof wth all thankfullnes, w^{ch} is the very errand of these lines. We being abundantly satisfi'd in yo^r hoⁿo^rs most friendly & Christian readiness to promote the equity & righteousnes of our cause before our gracious soueraigne when wee (at so great a distance, & in some degree freindless) were almost sacrific'd to the private interests & designes of some that made it their worke to clamour & falsely represt vs to his maj^{ty}, although all could make no impression on the heart of so serene & just a prince, who hath, notwithstanding, kept an open eare to heare our deffence & doe vs justice, for which gracious inclination of his maj^{ty} toward us, as wee haue great cause to bless God for, so wee doe & shall acquiesc in it, esteeming it our interest & duty to demeane ourselues as loyall subjects most observant of his royall pleasure. Wee are very sencible that your hono^r hath contributed not a litle towards the right vnderstanding of matters, for which your great candour & moderation towards us wee desire the Lord to give yow a full reward, & that he would still honour yow in making yow more serviceable for his name & glory.

Hono^rble S^r, for ourselues, & what remajnes concerning us, (though wee haue no cause to doubt of his maj^{ty}s clemency and goodnes, yet) yo^r favour in continuing towards us that same noble & ingenuous incljnation w^{ch} wee haue found in yow in further promoting of a right vnderstanding & happy conclusion thereof, will still oblige us to wish & pray for yo^r temporall & æternal happiness, & to remajne,

S^r, yo^r most humble & devoted servants,

JN^o LEUERET, Gof.

In the name of the Generall Court.

Boston, 22 October, 1677.

*Genⁿ, respected & much endeared : —

[*154.]

The consideration wee had in your integrity & industry when wee put this troublesome imployment vpon yow is not in the least abated, but exceedingly confirmed, by all the accounts wee haue received from yourselues or others of your vnwearied diligence & prudent mannagement of our affayres comitted to your trust, wherein wee are fully satisfi'd that, notwithstanding the extreame difficultjes that haue ffallow^d yow in our busines, yet your patience, sedulous industry, & wisdom hath, to our full contentment and great admiration, ouercome them, for w^{ch}, as wee haue great cause to blesse God, so

1677.

22 October.

also (whateuer the issue may be) to acknowledge your due deserts & our reall obligations to yourselues, which wee hope wee shall in some measure discharge vpon all oppertunitjes. Wee cannot, wee need not, contribut any further advice as to your future proceedings, but doe wholly, vnder God, acquies in the assured confidence wee haue of yo^rselues, and vpon the arrivall of the next ship, by which wee expect to heare further from yow, shall take care to accomodate yow wth such suppljes as the state of our affayres with yow may call for.

About 3 weekes since, (when we hoped to be at rest,) a party of about thirty of the old ennemy, viz., Hadley & Northampton Indians, fell vnexpectedly vpon Hattefeld, burnt fouer houses, fower barnes, some stackes of corne, killed diuerse persons, and carried away one & twenty prisoners, men, weomen, & children. One of the men escaped, and saith the Indians were gon vp Conecticot Riuer, northward, towards the French, from whence they came, & sajd they were incouraged & ffurnished for this attempt by a French cap^t. Wee haue it vnder consideration to send to those Indians & to the French to endeavour the recouery of the poore captives, & the better to vnderstand what wee may expect from those quarters. Your relations, wee doubt not, will give yow an account of yo^r private affaires, which shall not suffer in any thing that wee can helpe. As to the publicke, wee judge it not vseless to acquaint yow, that, soone after our losse at Blackpoint in June last, Majo^r Andros sent a considerable partje to Pemacquid, where they seated themselues in right of the Duke of Yorke, & pretending freindship & kindnes for us, haue donn that service for us as to conclude a peace wth those easterne Indians, & haue regained & sent to us most of our captiues, & a promise of returning seuerall vessells the Indians had surprized, the performance whereof wee dayly expect. Since the sajd Majo^r Andros hath signifyd his minde to our council to impose customs vpon all fishermen that fish on those coasts, &c, wherewith wee are vnsatisfied, and are now returning our resentment thereof, wee shall not further trouble yow, but, as wee are bound, shall comend yow & our affajres in your hands to our most gracious God, & to his protection & guidance through his grace, hoping shortly to see yow here, where yow will be most welcome to

Yo^r assured ffreinds,

E. R., S.

By ord^r of y^e Geⁿl Court.

Boston, 22 October, 1677.

*Mr W^m Stoughton & }
Mr Peter Bulkeley. }

1677.

22 October.

[*155.]

Our respected and well beloued freinds, wee salute you in the Lord, &c.

The Generall Court sitting when your seuerall letters of the 4th of August last arrived here, besides them of June formerly receaved, being communicated to us, & a vessell bound for London ready to saile as these last came to hand, wee thought meete, by this oppertunity, to represent to yow, first, the due sence wee haue or would manifest of the good hand of the Lord our God vpon us in generall and yourselues in particullar in this affayre of so great concernment to us in our spirittuall & civil libertjes & constitutions, that when the ennemy strucke at the foundation of these our pretious things manifested in the eight article and otherwise, the Lord our God, (in whose hand is the kings heart and the manngement of all these our concerns,) wee beleive, hath made them (by this act) to beginn to fall before his people, and therefore wee hope they shall not preuajle, but most surely fall, (as Hamans wise men told him;) and so wee would take it as matter of great thankfullnes to our God. Though wee yet haue not what wee expected or desired, or hope may haue, and further difficultjes remajne to be conflicted with, yet this begining is more then wee deserue, & would looke vpon it as an answer of prayer, & a token for good shewed us from the Lord. Wee haue, nextly, made an addresse to the king by way of acknowledgmt, and written to seuerall ministers of state, as the lord chancello^r, lord privy seale, & both the secretarjes, which wee send inclosed to yourselues to present after pervsall, hoping wee may finde further favour as there may be occasion. And for yourselues, as wee doubt not of your faithfullnes in this transaction, so wee acknowledge, wth all acceptance, your care & labour of loue for God & his people herein. And as for money, yow will finde, wee hope, (besides the five hundred pounds,) a further supply is come to your hands (before these lines) by the meanes of our Gouverno^r & our Treasurer, being together three hundred pounds; and what may be further necessary, wee shall endeavour it be not wanting to yow, hauing ordered two hundred pounds more by the Tresurer, perceaving your dispatch from thence is not like to be before winter. Wee take notice by this act of his maj^{ty}, at the council board, vpon the advice of the lords cheife justices of the Kings Bench & Comon Pleas, & of the lords of the comittees for trade & plantations, that, according to their interpretation *of our patent, wee are like to be cutt short of our patent l^{ine} & bounds as it hath binn runn or lajd out; yet, by your advice, nott w^{thout} hope of obteyning the continuance of the whole or some good part, at least, (viz^t, those fower tounes betweene the riuers,) vpon application of the inhab-

[*156.]

1677.

22 October.
Gen. Courts
letter to our
agents.

itants, whose humble addresses & supplications goe herewith, with desires to yourselues to endeavor the attainment of it, wherein it is to be noted that our charge of the warre in those parts hath cost us litle lesse then eight thousand pounds, so, concerning the recovery of those parts, either by meanes of his majestie or from Mr Gorges, wee would loose no conveniency for a small matter; & considering our charge as aboue, wth wee aduise yow to insist vpon, wee suppose it may be procured now on easier termes then at another time. As for the coynage or any other additionall priuiledge offered, (not prejudiciall to our charter,) wee would not slight, but humbly accept. Concerning trade & the liberty thereof to this poore colony, which hath binn a meanes of increase of shipping and seamen, and of this plantation wth inhabitants, to his maj^{ties} hono^r, & of the English nation also, and no prejudice to his customes, as is so falsely suggested; for that all wee haue com^{ing} hither from Virginea or the West Indies pay there strictly double what these comodities would doe if they had binn shipt for England to transport againe from thence; & moreouer, what thereof for England, as very litle, if considerable goes elsewhere, payes custome ouer againe; desiring all inconueniency to us in that respect maybe auoided what possibly may be. And further, as wee are obliged by our charter to permitt any of his maj^{ties} subjects to catch fish in any part of our limjts, and to make vse of the wood & the land for their stages & flakes, it is just that the like liberty may continue to us and all his maj^{ties} subjects to fish in any part of these seas vpon the coast of New England, & to saue & make their fish vpon the land next adjoyning, as may be most comodious for them, wthout interruption, compulsion, or imposition by any of his maj^{ties} Gouverno^{rs} or subjects here, that so that vsefull & profitable trade of fishing be not lessoned nor discouraged. This wee hint because of some intimation from the Go^uno^r of New Yorke, in a letter to our Go^uno^r, tending that way, they hauing sett doune a fort & custome house at Pemacquid, as by copy of Go^uno^r Andros letter yow will perceiue. As for a present to his maj^{tie}, wee are considering of some thing to send, wth hope Piscataqua men & others will provide a ships loading of masts, if his maj^{tie} please send a ship, & ourselues some cor fish, sampe, & cramburies. Yow will haue aduice from others in what capacity wee stand wth the heathen heere. So, not perceiving any thing further *needfull for the Court to aduise, vntill wee heare more from yow, wee com^{end} yow all to the grace of God in our prayers, and bid yow heartily farewell.

[*157.]

Your assured freinds,

EDW^d RAWSON, Secr^t.In y^e name & by order of y^e Geⁿl Court.

Boston, 22 October, 1677.

For the sachems of the Macquas.

1677.

22 October.
Octo: 12: 77.

Courts mes-
sage to y^e sa-
chems of the
Macquas.

Yow may by these take notice that sixe of yo^r men (as we since vnderstand) were lately found neere Boston in the woods, who, being well armed, and in a warlike posture, were by some of our people surprized, & carried to prison, & there secured, not knowing but that they were ennemy Indians, till, being examined by authority, they were found to be Macquas, as some of Albany that were here did assert, & so therevpon were well vsed, & are set at liberty, by whom wee send these lynes, to lett yow know how ready wee are to hold & continue our auntient freindship wth yow, which was so lately renewed at Albany betweene Majo^r Pinchon, &c, and yo^rselues, and hath been by us in all respects attended; howeuer, it comes to pass that there hath beene a fayleur on your part, by some of your men not observing it, which wee rather suggest, because those Indians, your men, who are now with us, acknouledging their sence thereof, attending to what seeme to be ignorant of that which was concluded at Albany, namely, to be freindly to all our freind Indians, which was one of the great things wee aymed at next to our then mooving you to destroy the eastern Indians, our then ennemy. Wee engaged yow not to medle wth our freind Indians, and wee haue reason to take care of them, who were true to us in all the time of our warre, and ventured their liues for us; and now wee shall not lett them loose their lives by our freinds that haue engaged to carry it freindly to us & them, as yow haue donne; wherefore wee suppose it is not allowed by yow for yours to spoyle, or, as lately they haue killed one Natick man as he was fishing close by an English house, and carrying away two Naticke squaes, who were about their occasions at Hassanamesit; all which being contrary to the agreement made wth yourselues, wee hope yow will cause your men to make full satisfaction, for wee haue now an oppertunity in our hand, and might detejne some of these your men; but, to prevent all grounds of disquiet to yo^r spirits, and being confident yow will doe it, namely, returne backe these two squaes, and forbear all further mischeife vpon or toward our freind Indians, wee set at liberty all your men, resolving there shallbe no breach on our part; but yet *wee will protect & defend our freind Indians; & wherefore doe yow wrong to them in your not giving all yo^r people notie of it? To be more carefull for future that no spoyle or wrong be *be* don to any of our freind Indians, let none of yours come nere to Naticke, Puncapauge, Hassanamesit, or Waymesit, nor among any of our townes where our freind Indians are, who are and willbe freinds to yourselues, as wee are, all being vnd^r his majestjes protection, and therefore not to be disturbed by you. There are other Indians for you to fall vpon, whose pursuing & destroying wee shall take kindly from

[*158.]

1677.

22 October.

your hand, namely, a parsell of Indians who came lately from Cannada, and fell vpon Hattfeild, the same day when 4 of yo^r people lodged in Hatfeild, and were there kindly vsed the night before. These Indians, who came from Canada, as wee since came to know by one of our captives that is gott away from them, haue carrjed wth them twenty of our people, weomen & children, wth three men, whom we vnderstand are returning towards Canada. It would be an acceptable service to us if yow cann destroy this parcell of Indians; and may yow be instrumentall for the sauing & recouering of any of our captives, wee shall give yow good reward for the same. Wee hauing further to lett yow know that now there arising ennemy Indians against us about Northampton & those tounes, our people are vpon their guard, and scouting forth, so that it maybe hazardous for yo^r people, wee not being able to distinguish betweene such ennemy Indians & Macquas, whom wee would not wrong, and therefore desire your men may not come wthout some Englishmen or Dutchmen with them, vnless some one or two at most, wth a letter in their hand, may adventure into our tounes vnarmed, and then, vnderstanding them to be reall Macquas, wee shall affoord releife as neede maybe. Wee the rather mention it, because some of our people who were lately taken were deluded, & catcht, by taking the ennemy Indians for Macquas, whom else they should haue auoyded. Wee haue not to add at present, but that wee are

Your very loving freinds,

E. R., S.

In y^e name & by ord^r of the Geñl Court.

Boston, 12 October, 1677.

[*159.] *Cap^t Salisbury.

Courts letter
to Cap^t Salis-
bury.

S^c: Wee haue thought fit to acquaint yow, that sixe Indians, by whom wee send these to yow, were some days since taken by some of our people wthin Boston bounds, on the northeasterly side of Charles Riuer. It being a place where wee haue no Indians settled, or allowed to goe, wthout special order from ourselues, they were forthuith carryed to prison, and, being examined by authority, sajd they were Macquas, though wee had cause to doubt of it; yet, since being assured by some of Albany that they are reall Macquaes, wee haue given order for their enlargment & well vsage, and haue appointed sixe troopers to guard them, & conduct them safe into the woods out of our tounes, or hazards of our Indians, whom some Macquaes haue lately don injury vnto, carrying away captiues two of our Natick Indian weomen, and killing one very honest man of them, & taking away his scalp, all which bing contrary to their agreement made wth them by our messingers

1677.

22 October.

in Aprill last. Wee might well haue secured some of these till satisfaction made, and the returning of these two captiues; but to prevent all ground of disquiet to the Macqua sachem, wee haue, notwithstanding, set these at liberty, & make vse of them to signify our minds to the sachems, that they send home those squaes, whose returne from them wee doe expect, & there instructing of their men not to come into these parts to our freind Indians, which was one great end of our treating them at Albany in Aprill last. Though wee did then designe their falling on the eastern Indians, our then ennemjes, wherein they haue not don vs any service, yet wee did as strongly aime at, & as carefully prouide for the security of our freind Indians, w^{ch} they engaged to, not to do them any mischeife; and it is a great trouble to us that they or theire people take no more care thereof, wee being ingaged to protect & secure them, who in the tyme of the warr were very seruicable to us, ventured their liues for us, & many of them lost their liues in our service; and now wee shall not let them be destroyed by either Macquas or others. Wee vnderstand that Major Pinchon hath lately wrote to yow vpon the occasion of some mischeife donn at Hatfeild as well as formerly, directing the Macquas to take their randge more norward, that the Macquas would not adventure to come neere our townes now, because the ennemy Indian hauing made an irruption vpon us, wee are vpon our guard, and haue our scouts out, & so, not knouing Macquas from other Indians, there may be hazard of doing them hurt vnknoune, for wee cannot distinguish them, vnless some Englishman or Dutchman should come wth them, or some one of them might adventure into our townes vnarmed, with a letter in his hand; *otherwise wee know not how they will be safe. Wee pray yow so to informe the Macquas with it, that they may not come into any dainger; and doe us that fauour to let the Macquas know how ready & willing we are to hold & continue all amicable correspondence & freindship with them, & therefore expect their attendance to their agreement wth us, not to doe spoyle vpon our freind Indians. Wee haue special respect for them, especially those of Naticke, Pyncapawag, & hereabouts, whom his maj^{ties} corporation also hath lately manifested great respects for, so that it is hoped & expected that the Macquas will be very observant heereof for the future.

[*160.]

S^r, wee further desire your helpfullnes in recouering of those of our people who are now in captivity with the barbarous heathen, there being twenty persons taken from Hatfeild & Deerefeild, as Major Pynchon hath given yow an account, desiring you to incite the Macquas to pursue the ennemy, being Indians that came from the French, and are thither returning, as wee are certainly informed by one of our men that escaped from them. Wee doubt not of yo^r readiness to afford help, as it may fall in yo^r way, and

1677.

22 October.

yow need not doubt of our care to sattisfy what charge yow may be at, and shall disburse vpon the account. Wth our loving respects to yow, wee comēd yow to God, & are

Your assured ffreinds,

EDW^p RAWSON, Secre^{ty}.

In the name & by order of the Geñll Court.

Ans^r to Hatfeild petition.

In answer to the petition of Hatfeild, & for the recouery of their captiues, the hono^d Gouverno^r is desired & empoured to take order & care therein, by granting comission to such meete persons as may be imployed in that service, & giving them instructions to mannage that affayre, & by them to write to the French go^vno^r at Canada, as also to those Indians that haue the prisoners in possession, and make such ouertures, to them as may tend to the regayning the prisoners, & the settling of the peace of the country, & that the charge thereof be borne by y^e country.

Courts order as to Benanuel Bowers release.

In ans^r to a paper signed by Benanuel Bower, it is ordered, that the marshall generall doe forthwith lēvy vpon the estate of the sajd Bowers such fine or fines as haue binn lajd on him according to law by the County Court of Cambridge, & that therevpon he be discharged the prison.

[*161.] *Honōble S^r:

Courts letter to Go^vnor Andros at New Yorke.

Wee received your letter, dated Septemb^r 22th, 77, by Clojs Burden. As for the damage don vs by the eastern Indians, mentioned in our letter, dated July 28th, was in taking our fishing catches about Cape Sable, and a notorious murder comitted vpon some men, weomen, & children at Amesbury about the midst of July, but not knoune to us or yo^r comission^s at Pemacquid (as M^r Start, yo^r messenger informed) vntill after the peace was concluded betweene some of the eastern Indians & Cap^t Brockles, &c. This wee mention to cleare the ground of what wee then wrote to you touching the prudent & Christian charity of yo^r comissioners aduising & issuing a peace wth those Indians, & procuring the deliuey of the poore Christians captiues, the most of whom, as wee are informed, did (before the warre) liue wthout our jurisdiction, as wee then did, so wee now accept wth thankfullnes; as entring into or holding on a warr wth the Indians is most vndesireable, so it was neuer ingaged in by us otherwise then for our just & necessary deffenc, and in order to a peace & future quietnes. Yow are pleased to declare your resolution & orders, that no Indian be suffered to goe to the fishing islands, nor Christian to settle, inhabit, or conuerse vpon sajd maine coast this winter, or vntil further order, except vnder protection of yo^r fort at Pemacquid, and due entrjes and cleering at the custome house, &c; and that all fishers that shall

make fish vpon the islands are required to give notice at the fort; and that yow are dispatching his highnes sloop into those parts to protect the fishermen, and to make prise of all such as shall presume to act contrary to your orders. Concerning these things wee are at a losse distinctly to vnderstand your meaning, yow speake so generally & vnlimitedly of the majn coast island, & fishing w^{thout} restriction; nor doe wee thinke ourselues concerned to inhibitt the people of this jurisdiction from their anntient priuiledge and liberty as Englishmen, and his majtjes faithfull subjects, to improoue themselves & estates in the honest and industrious labour of fishing *of fishing* vpon the coasts of New England, and making their fish vpon the majne land or islands as formerly — a liberty which our kings haue alwayes reserved in the charters for these territorjes, as wee conceive; nor yett shall wee prohibitt our people from settling vpon their proprietjes, either on islands or continent w^{thin} our jurisdiction, granted to us by the royall charter of our gracious kings. S^r, wee are very desirous to preserue & mainteyne all freindly correspondence wth all our countrymen & fellow subjects to the same prince that God hath planted in vicinity of neighborhood to us in this uilderness, and particularly wth yourself and the gouernment vnder yow, which amity will be best p^rserued and continued if wee doe all walke w^{thin} our oune l^ynes *in the feare of God & a regular obedienc & loyalty to our soueraigne lord the king, avoyding any incroachments vpon the rights & libertjes of each other, & endeavoring in our vtmost capacity to glorify God and promote the hono^r & interest of our king & nation, and to strengthen the hands & hearts of each cther against the plotts, conspiracies, & attempts either of the barbarous heathen, or any other ennemjes to the English nation. For this wee pray, and shall endeavour (wth Gods assistance) to practise the same, hoping the like from you. So remayne, s^r,

1677.

22 October.

[*162.]

Yo^r affectionat freinds & neighbours,EDW^d RAWSON, Secre^t.In y^e name & by ord^r of the Geñ Court of y^e Massachu^sts.

Boston, 17 October, 1677.

Hon^{ble} S^r:

There is before us the complaint & petition of Ambrose Gale, informing that, by M^r Constant Southward, M^r Thō Pajne & others, himself, & company, vpon their imploy of fishing, were interupted and abridged, contrary to the knoune & vsuall custome from our first planting, and such an imposition as wee suppose his majesties charter will neither allow to ourselues nor yow, and in itselfe vnreasonable, that the sea shall not be free for fishing, especially

Courts letter to
Plymouth.

1677.

22 October.

that wee should disturbe each other, as if ennemjes were not able to give us trouble enough. Wee hope that the matter only labours of some mistake, either in said Gale or the forementioned gentlemen, and intreat your settlement & order thereabouts, & information of ourselues therein to prevent further trouble. Not els at p̄sent. Wee are

Your ffreinds & confederates,

The Geñll Court of y^e Massachuset.

Signed by their ord^r.

EDW: RAUSON, Secre^t.

Co^mmittees re-
turne about
Beverlys 500
acres, &c.

Wee, whose names are vnderwritten, being appointed by the Generall Court, and in obedience to their order, did meet at Beverly this 21th September, 1677, did vejw the tract of land which Beverly did petition the Generall Court for, and found it to be about five hundred acres, which lands did & doth belong to the inhabitants of Bass Riuer, according to the bounds they shewed us, which lands is cutt of from the inhabitants of Beverly by the l^jne from the rocke by the creeke to the Great Stubb. Wee hauing binn vpon the place, & perused all their writtings, doe apphend that that which they petition for is but suiteable accomodation.

SAMUEL APLETON,
JOHN WHIPLE,
JOHN FULLER.

This returne of the co^mittee is accepted, vnless the towne of Salem procure the said co^mittee at theire oune charge to make a new survey & returne, giving Beverly notice, to the next Court.

Ans^r to Abra.
Gales peti^{ti}on.

In ans^r to the peti^{ti}on of Abrose Gale, it is ordered, that a letter be written to the Go^v & council of Pljmouth, informing them the contents of his peti^{ti}on, in favo^r to him & others debarred from fishing on those coasts.

[*163.]

W^m Dixie cap^t,
Paul Thorn-
dick left, Sam.
Corning, Sen-
ensign, of Bef-
ly.

Courts order
for y^e settling of
Derefeild, &c.,
in a compact
way for defence
ag^t the Indians.

*In answer to the petition of seuerall inhabitants of Beverly, it is ordered, that W^m Dixje be their capitaine, & Paul Thorndick their leiften^{nt}, & that they haue their co^missions accordingly.

The tounes in Hampshire being in more hazard of the incursions of the heathen ennemy then some others, this Court doeth order, that each toun there doe endeavor the new moddelling the scittuation of their houses, so as to be more compact & liue neerer together, for theire better deffence against the Indians; and in order to the stating & contriving heereof, Major Jⁿ Pynchon, Leif^t Jⁿ Mosely, Ensigne Samuel Loomis, Leiut W^m Clarke, M^r Peter Tylton, & Leif^t Willjam Allis, or any three of them, Major Pynchon being one,

are appointed to ord^r and contrive the same, and to appoint and determine meet satisfaction to such whose land may be made use of for others to build on.

1677.

And as a further prouission for the security of those townes, it is ordered, that a garrison be stated at Deerefeild, and for the effecting the same, it is ordered, that the inhabitants of that place doe repaire thither this winter, (if the comittee doe judge it safe,) and prouide for the setting thereof in the spring, which shall be in a compact way, as shall be ordered by the comittee, and this winter stuff for fortification to be prouided ready to sett vp there in the spring, viz^t, in March or Aprill, at wth time twenty souldjers shallbe sent vp by the Goũno^r & council to that place as they shall see cause, whose worke & care shallbe to preserue & secure that place, and those adjoyning there, from the Indians.

22 October.
Comittee im-
poured.

And further, for the incouragement of Hatefeild, sixe souldiers shall be forthwith sent vp thither, at the countrjes charge both for wages & dyet, & to be vnder the comãd of Leiu^t Allis, for the preservation of that place, or as they shall be directed by the majo^r of that regiment, who may in the winter tyme improov them in preparing & getting ffortification for Hatfeild & Deerefeild, and all persons concerned are to attend the orders of the comittee aboue sajd, from time to tyme, for the effecting of this order, at their vtmost perill.

A garrison to
be settled there
at spring.

It is further ordered, that our brethren at Connecticot be desired to joyne in keeping the garrison at Deareffeild, and that it be left wth Major John Pynchon to treat wth the Gouverneur & council there for effecting the same.

Courts desire
y^t Connecticot
joyne in y^e gar-
rison.

*In answer to the petition of Samuel Patrigg, ferryman at Hadley, the Court judgeth it meet to allow the petiçoner twenty pounds in full for what is due to him from the country for ferriage, to be payd by the Tresurer of the country.

[*164.]

Ans^r to Sam.
Patriggs peti-
co., 20th al-
lowed.

There being a smale island in Merrimak Ryuer, conteyning about sixe or seuen acres, comonly called Major Dennisons Island, lying against the midle of his farme, the Court judgeth it meet to grant the sajd island to him the sajd Majo^r Denison, at his request.

Island in Mer-
rimack Ryuer
g^{ted} to Major
Gen^l Denni-
son.

M^r Joseph Dudley being appointed to keepe the Courts at Douer and Yorke, to be held by adjournment the latter end of y^e October, itt is ordered, that the Tresurer supply him wth fve pounds money for the discharging of necessary expences of himself & his attendants.

5th for y^e Tre^r to
pay M^r Dudley,
&c.

The Court, vpon information of M^r Rausions extraordinary reall expences out of purse lately, as djet, wayting on the council, for paper also, and hiring persons to write for him, as, being demonstrated, he is in disburs, it is ordered, that the Tresurer pay him forty pounds in money in consideration thereof, besides his ordinary sallery.

Courts order
for y^e Tresurer
to pay y^e sec-
ret. 40th mony.

1677.

22 October.

John Johnson
cap^t, Tho. Ten-
ny, ensi., at
Rowley.

Ans^r to Sam. &
Abig^a Hudsons
peti^on as to
cutting of an
entayle deny^d.

Courts ans^r to
farmers of Sa-
lem peti^on.

Le^f Leach y^rir
left.

Rich. Leech
left.

Widdow

Wheeler, of
Lancaster, al-
lowed 6th 9th 8
from y^e treas^r.

Ans^r to Henry
W^{as} peti^on.

The military company of Rouley being destitute of a capitaine, this Court doth hereby order Ensigne John Johnson to be capitaine, & Sarjant Thomas Tenny to be his ensigne, to the foote company there, & that they haue their comissions accordingly.

In ans^r to the petition of Samuel Hudson & Abigaile Hudson, being in a loue condi^on, humbly desiring the favo^r of this Court, in order to their re-
leife, to cutt of the entayle layd on their house & land, the Court denys their request.

In ans^r to the peti^on of Salem villagers for a ffoote company, it is ordered, that all those of the sajd village that live on the west side of Ipswich road may be freed from Cap^t Corwins company, & shall be excercised at home by Leiften^{nt} Richard Leech, who is hereby appointed their leiften^{nt}, leaving it to the militia of Salem to bound the two companys of Salem.

The Court, on vejw of widdow Wheelers bill, of Lancaster, of disburs-
ments, signed by the comitte^e for y^e country, doe order & grant her payment from the Tresurer of sixe pounds nine shillings & eight pence.

In ans^r to the petition of Henry Williams, of Scarborow, it is ordered, that Francis Neale, that kept the reccords of the Court at Falmouth, deliuer vp vnto the sajd Willjams his originall bill of thirty pounds that is in his custody.

[*165.]

Courts ans^r to
Rouley peti^on
com^{an}d^{ing}
obedienc to y^e
military offi-
cers.

*This Court haueing this session appointed & setled a cap^t and ensigne ouer the military company at Rouley, in the vacancy of those places, and, in opposition therevnto, & dissatisfaction wth the order of Court therein, a petition hath binn prefferd, subscribed by many names, but written wth one hand, wherein appeares the evill spirit of diuers there, who haue lately reproached the churches and the members thereof, which this Court hath borne testimony against, though wth as much lenity as the case would admitt of; all w^{ch} not-
withstanding, they haue abused the Courts favour & indulgence by this seditious petition, which this Court judgeth themselues bound to take due notice off, so farr as to order that John Acie & Jonathan Platts forbear to concerne them-
selues in their toune or military affayres till further order from this Court, and that the rest of the peti^oners are hereby required to attend the Courts order as to the military com^{an}ders.

Courts judg-
ment in Row-
ley case.

After a full hearing of the differences that haue arisen at Rouley refer-
ring to the setling of M^r Shepheard as minister among them, this Court doe declare, that they will not countenance any procedure or actings therein con-
trary to the lawes of this Court, haueing therein made prouission for the peace of the churches & a setled ministry in each toune, and that all votes passed by any among them contrary therevnto are heereby declared null & voyd, and doe

order the acto's therein, viz., Daniel Wicum, David Bennet, Samuel Platts, Johnathan Platts, &c, abettors, to be admonished, & to pay costs sixe pounds seuen shillings & eight pence. 1677.
22 October.

In ans^r to the petition of Thomas Parke in behalfe of his son, John Parks, sorely wounded, the Court judgeth it meete to refferr the consideration of the sd petition to the comittee for wounded men, to doe therein as they shall see meet, & make returne as the law directs. Ans^r to Tho. Parkes petition.

It is ordered, that Ephraim Sauage be ensigne to Capt Thomas Sauage his company in Boston. Ephraim Sauage ensign to his fath's company, Cap^t Sauage.

In answer to the petition of Samuel Bishop, the Court judgeth it meete that the petitioner stand in the pillory only once, and that as a further alteration of his former sentance, that he pay the party wronged, viz^t, M^{rs} Mitchaell, tenn pounds in money, or els his former punishment not to be abated. Courts ans^r to Samuel Bishops petition.

*In ans^r to the petition of Lef^t James Trowbridge, the Court grants the petiçoners request, & orders Deacon Isaack Willjams to be lestenūt to the foote company of Cambridg village in his roome. [*166.]
Lef^t Trowbridge lajd doune, Isaack W^{as} self of Cambridg vilage.

In ans^r to the petition of M^r Thomas Thatcher, in behalfe of his daughter, Elisabeth Davis, it is ordered, that the whole estate of the deceased Cap^t Nathaniel Dauenport be audited by M^r Symon Lynd, M^r Willjam Taylor, & M^r James Whetcombe forthwith, and that they informe themselves in what else is necessary for the Court to know touching the premisses, and make a true representation of what they finde therein the next third day in ans^r to this petiçon. The comittee made their returne, w^{ch} is on file. Ans^r to M^r Thatchers petition.

In ans^r to the petition of M^r Jonathan Danforth, Job Lane, & other of the selectmen of Billirrica, humbly desiring the favour of this Court, that, whereas sixe families the last yeare belonging to that toune, whose rates came to fuety seven shillings & sixe penc to one single rate, & payd thejre ten rates in the tounes whither they remooved, they might be considered and abated, so much as the same comes to, i. e., twenty eight pounds fueteen shillings, it is ordered, that the constables of Billirrica doe forthuith demand & recouer the rates aboue mentioned, of such persons who deserted the tounes, notwthstand- ing their payment in other places. Ans^r to Jntha. Danforth, &c, Billirrica peti- çon.

In ans^r to the petition of John Scarlet, the Court sees no cause to grant his desire. Scarlets request deny^d.

In ans^r to the petition of W^m Read & Ebenezar White, constables of Weymouth, it is ordered, that the said constables be freed from the payment of what was to be payd by such persons as were slayne in the warr, and that it be levyed vpon the whole toune; and for such who are remooved out of said toune, that the constables shall & heereby are empowered to recouer the Courts ans^r to Roade & White, constables of Weymouth, peti- çon.

1677.

22 October.

Courts ans^r to
M^r Quinseys
petiçon, &c.
Administ^ration
granted to M^r
Francis Reynor
to y^e estat of
hir late son, M^r
Jn^s Reynor.

same by way of action before any magistrate or comissioner, as in other cases.

In ans^r to the petiçon of Edmund Quinsey, it is ordered by this Court, that he shall be released from the excecutorship according to his desire, and that administration be granted vpon the estate of the late M^r John Reynor, Juⁿ, deceased, to M^{rs} Francis Reynor, she giving bond, wth securitje, to the County Court of Douer, to administer according to law; and to pay, or cause to be payd, to the petitioner, viz^t, M^r Edmund Quinsey, forty pounds, that is to say, fiue teen pounds in money, and twenty fiue pounds in other good merchantable pay, such as may be raysed out of the estate, and to be payd w^{thin} two yeares now next coming.

[*167.]

Phœby Plan-
tons petiçon, de-
ny^d, &c.

Courts ans^r to
Rob^t Knights
petiçon.

Lyn troopers to
be under y^rir
corporalls.

*In ans^r to the petition of Phœby Planton, widdow, for liberty &c, to sell lands, &c, the Court sees no cause to grant hir request.

In ans^r to the petition of Robert Knight, of Marblehead, the Court judg-eth it meete to reffer it to the County Court of Middlesex.

In answer to part of the inhabitants of Lynn, troopers, this Court judge it meet to grant their request, so farr as reffereth to being a troope, & leaue them to the order of the corporalls vntill further order of this Court.

Ans^r to Mary
Wells petiçon.

In answer to the petition of Mary Wells, of Hadley, humbly desiring that her late husband, expending on the country service in providing for the maintenance of seuerall wounded men, & their doctor, to forty fower pounds, given in & pas^d to y^e Tresurer, w^{ch} is more then hir rates, y^t come not to aboue seventeen pounds eight shillings, she being a widdow, that the Tresurer pay the remainder due to hir out of the present country treasury, the Court judg-eth it meet to grant hir request.

Ans^r to M^r
Thachers peti-
çon.

In ans^r to the petition of M^r Thomas Thatcher, in behalfe of his daughter, Elisabeth Daus, it is ordered, that the answer thereof is referd to the next Court of Election, and doe order, that in the meane time the County Court doe appoint audito^rs to heare what may be saj^d by the credito^rs to Cap^t Davenports estate in refference thereto, as also to examine all the accounts of hir administration, and to present what they shall finde therein, and in the meane time all executions ag^t the petiçoner in refference thereto to be respitted.

Ans^r to M^r
Jn^s Russells
petiçon.

In ans^r to the petiçon of M^r John Russell, pastor of Hadley, & Rebeckah, his wife, &c, it is ordered, that the Tresurer pay vnto him the one halfe of his account, in money.

Ans^r to Jn^s
Emerys peti-
çon.

In ans^r to the petiçon of Jn^s Emery, Señ, of Newbery, the Court judgeth it meet to grant the petitioner a hearing of his case the next 4th day, at nine of the clocke, & that the petiçoner giue notice to persons concerned to attend the issue.

It is ordered, that the Tresurer of the country pay vnto the widdow Ayres, in full of the bill presented to this Court, which is on file, any former grant notwithstanding, twelue pounds. 1677.

22 October.

Courts grant of 12th to widdow Ayres.

In ans^r to the petition of Robert Knight, the Court judgeth it not meete to take cognizance of this case, but refers the petiçoner to a course of lawe.

Ans^r to Robert Knights petiçon.

[*168.]

Ans^r to Tho. Fullers petiçon as to runing y^e line, &c.

*In ans^r to the petiçon of Thomas Fuller, &c, the Court judgeth it meete to grant this petition, to a new runing of their l^{ne}, & to that end haue nominated & appointed M^r Jonathan Danforth to be the surveior, Lef^t W^m Johnson, Cap^t Swajne, & M^r Shuball Walker, or any two of them to assist therein for effecting the same; M^r Danforth to appoint time and place of meeting, and the charge hereof to be borne by him or them who haue vnneccessarily binn the occasion of the trouble, and that a returne thereof be made to the next Court of Election.

In ans^r to the petition of Edmund Perkins, & Susanna, his wife, & Andrew Neale, humbly desiring the favo^r of this Court to confirme their sajle of the house & land of y^e late John Houlett, &c, the Court sees no cause to grant thire request.

Courts ans^r in y^e negative as Edm^d Perkins & his wife sale of Howletts house & land.

In answer to the petition of the inhabitants of Chebacco men, the Court, considering what is alleadged by Ipsuich, judge it not meete to grant the petition at present, but seriously comend it to the toun of Ipsuich, as soone as may be, to contrive the accomodation of the petitioners & other farmers thereabouts in the matter petitioned for.

Ans^r to Chebacco mens petiçon.

This Court, being informed that Edward Messenger, of Windsor, hath been a great looser by a horse that was taken vp by the militia of Hatfeild, & sold with refference to the law directing to dispose of horses that haue binn impressed for the publicke, doe order, that he be restored his horse againe by him in whose hands he shall now be found, and also be repayd by the Tresurer, wth refference to his great costs & charges expended for the recouery of him, fifty shillings. And it is ordered, that the comittee of militia of Hattfeild, who sold the horse, returne the pay to the person from whom the horse was taken.

Order about Edw^d Messengers horse.

In ans^r to the petition of Elisabeth Johnson, relict of the late Cap^t Isaack Johnson, humbly desiring the favo^r of this Court to impower hir, as his executrix, to make a firm deed of sale to W^m Lyon of a peec of land he bought of & payd hir late husband for, the Court declares the sajd Elisabeth Johnson to haue power to make deeds accordingly.

Ans^r to Elisabeth Johnsons petiçon.

In ans^r to the petition of M^r Pelatiah Glouer, the Court doe not judg meet to grant his petiçon, but reffer him to a course of lawe.

1677.

22 October.
Ans^r to Peti-
tiah Glouers
peti^con.

[*168^a.]

Hearing of
Martha Emery's
case.
Courts ans^r to
& judgm^t in
Martha Emery's
case vs.
Andrew Shep-
hards estate.
Bond taken &
on file.

In ans^r to the peti^con of Martha Emery, the Court order a hearing of the case at nine of the clocke on Tuesday next, y^e petitioner putting in caution for y^e charge, & giving notice to y^e parties concerned. Summons issued out to Jn^o Scottow, Jn^o Endecot, & Richard Midlecot. The parties appeared.

*And in answer to the petition of Martha Emery, craving the Courts favour for the obteyning of an estate left by hir brother, Andrew Shephard, here in this jurisdiction, and claimed by M^r Richard Midlecott, the Court, on a full hearing of the case, doe find for the plaintiffe, viz^t, the whole estate of the deceased petitioned for, as being the true hejre therevnto; and doe order, that John Scottow & John Endecott, of Boston, jojt executo^rs to the said estate, doe forthwith deliuer the same to the peti^coner, provided the said Martha give in sufficient caution to respond all debts that shall justly appeare wthin twelue months. Accordingly, said Martha entred bond to the Tresurer of y^e country, wth hir two suretjes, Richard Way & John Endecot, in y^e p^{er}sonall bond of three hundred thirty & eight pounds, to respond the judgment of the Court, w^{ch} is on file.

The true copies of the originall will of Andrew Shephard, as also the inventory given in to the County Court at Boston, signed vnder the hands of y^e officers of y^t Court May 31th, 76, & June 14th, 76, were product in Court, p^{er}v^{er}s^d, & are on file.

Also, execution issued out, according to y^e Courts order aboue written, ag^t the said Jn^o Scottow & Jn^o Endecot, in y^e words, w^{ch}, at request of the said Martha Emery, wth its returne, stands thus entred & recorded:—

30 October.

To Edward Mitchelson, marshall generall, or his deputy:—

In his maj^{ties} name, yow are required to levy, by way of execution on the estate or persons of Jn^o Scottow & John Endicott, joint executo^rs to the estate of the late Andrew Shephard, to value of one hundred sixty nine pounds nine shillings & one penny, being the ballance of the account of the inventory, in such specie as is exprest in the inventory, by them given in money in leiw thereof, and deliuer the same, wth two shillings for this execution, to Martha Emery, the said Shepheards only sister, & is in satisfaction of a judgment granted hir by the Generall Court for the same, wth hir acceptance of the aboue mentioned account, making y^e returne, as the law directs. Dated in Boston, 27th of October, 1677.

By the Court.

EDWARD RAWSON, Secre^t.

Endorsed: I haue seized, in goods & mony, on Jn^o Scottow & John

Endecott, the sūme of one hundred sixty & nine pounds ninne shillings & one penny, which is in full of this execution, this 30th of October, 1677, & deliuered to Martha Emery.

1677.

30 October.

EDWD MICHELSON, Marshall Generall.

Thus it is entred & recorded.

The account, given in to Martha Emery, of hir late brother Andrew Shephards estate, by Jn^o Scottow & John Endicott, & by hir tendred to the Courts officer, wth hir acknouledgment & acquittanc vnder the same, by hir signed before Joseph Dudley, Assistant, at hir request, also stands thus recorded:—

*The estate of Andrew Shephard is d^r to Jn^o Scottow & Jn^o Endecott for sundry disbursments:—

[*169.]

	li	s	d
To mony p ^d John Endecott for so much lent Andrew Shephard } before he dyed, }	05	00	00
To mony paid ditto for so much lent M ^{rs} Shepheard before she died,	01	10	00
To mony paid for a pallat bedstead,	01	01	00
To brandy, bread, & wine, & beare for M ^{rs} Shephard & hir watchers,	00	06	00
To mony payd for two coffyns, posts, and rayles,	02	00	00
To ringing the bell and digging the graues,	00	08	00
To mony to M ^r Taylor for wine,	00	15	00
To the washerwoman,	00	01	00
To sundry disbursments on relations & watchers, & at aprizing } y ^e goods, }	00	06	00
To the nurse,	00	05	00
To portrage & expences at vnloading the barcque,	00	08	00
To mony paid M ^{rs} Shephards negro by hir order,	00	06	00
To mony paid the carter for remooving the goods, 2 ^d , & to a } porter, 2 ^d , }	00	04	00
To aying the goods & other charges,	00	03	00
To M ^r Shephards nurse,	00	10	00
To Jeremiah Fitch, for gloues for the funerall,	05	00	00
To Thomas Heath, for mournings,	09	12	00
To Thomas Bingley, for mournings,	07	11	00
To expences about sale of the vessell,	00	08	00
To weighing & houseing the logwood,	02	00	00
To expences at sundry times,	00	17	00
To ringing the bell & black cloth,	00	03	00

1677.	To Mr John Hayward, for drawing the will, inventory, accots, } examining writings, &c, }	02 00 00
	30 October. To Mr Elisha Cooke, for medicines as p receipt,	02 16 00
	To Mr Dudley, for custome of logwood,	00 15 00
	To Mr Addington, for writtings,	00 05 00
	To mony paid Willjam James, for mony lent Mr Shephard in y ^e Bay,	01 05 00
	To Richard Smith, for seueralls, dd to Mr Shephard,	00 15 01
	To Jn ^o Cragg, phisition, for medicines, &c,	04 00 01
	To Mr Snelling, phisition,	01 10 00
	To Edward Bud, for house rent,	02 18 00
	To expences at receipt of mony for the barcque,	00 07 05
[*170.]	To Mr Jn ^o Davenport, for his servant keeping the barc ^q ,	01 10 00
	Folloiing *To Dr Chickering,	00 04 00
	To necessaryes for the negro,	00 02 00
	To Mr Taylor, for wine at the funeral,	00 15 00
	To Belknap, for gloues,	01 00 00
	To Robert Carver, for a debt,	08 03 00
	To Edward Budd, for mony lent Mr Shephard,	00 17 06
	To clothing for the negro,	00 10 00
	To a legacy given to Jn ^o Endecott,	05 00 00
	To a legaty giuen to Jn ^o Scottow,	05 00 00
	To Goodwife George, for a pajre of fine sheets,	01 00 00
	To ditto, for butter deliuered to M ^{rs} Shephard,	02 00 00
	To Mr Anthony Chickley, for a debt due by bill by Mr Shephard,	05 00 00
	To sixe months warehouse roome & charges for about the } weyhing of the logwood, }	07 00 00
	To mony to W ^m Aglin, for a debt,	00 02 06
	To mony for a pillow beare, borrowed p Mr Shephard & lost,	00 03 06
	To disbursements at two Courts with Mr Alford in defending } the estate, }	02 01 08
	To disbursments in deffending the estate at a Court ag ^t Hauford, } Higgs, & Midlecot, }	02 10 09
	To disbursements in deffending the estate at a Court of Assist- } ants against Midlecott, }	02 07 00
	To seventeen weeks djet for y ^e negro, at 4 ^s p weeke,	03 08 00
	To rent for a chamber to lay vp the goods,	02 10 00
	To M ^{rs} Emery p execution,	53 05 00
In all,		159 19 10

To Jn^o Scottow, for his trouble & time, attendance vpon Courts, &c, 010 000
 To John Endecott, for his trouble & time in attendance vpon Courts, 010 00 00

1677.

30 October.

179 19 10

Signed, this 27th 8 mo., 77.

JOHN SCOTTOW,
 JOHN ENDECOT.

*P contra is cred^t, —


li s d [*171.]

By wearing apparrell, goods, logwood, & mony, rec^d as p invent^o, 349 08 11

Vnderwritt.

This is to certify all whom this doeth or may concerne, that Martha Emery, onely sister to the late Andrew Shephard, hauing, by the honored Generall Court, granted vnto me the estate of my sajd late brother Andrew Shephard, which, by the inventory given into the hono^rd County Court by Jn^o Scottow & John Endecott, excecuto^rs to the last will & testament of the sajd Andrew Shephard, appeares to amount to the sume of three hundred forty & nine pounds eight shillings & eleven pence, which inventory I haue seen & perused; and also the accounts of the sajd excecuto^rs haue rendred vnto me of their disbursments in money to the estate ^{of} Andrew & his wife before they dyed, and on their funeralls expences & payments to phisitions, and other necessary chardges thereabouts, & in suites of law for their oune time, wth payment of fifty three pounds five shillings paid vnto me by virtue of execution; all w^{ch}, as on this account on the other side, appeares to be one hundred seventy & nine pounds nineteen shillings & tenn pence, w^{ch} I accept and allow of; so that there rests due, in goods & money, as the ballance of that accompt, the sume of one hundred sixty nine pounds nine shillings & one penny. In wittness of my acceptanc of their account, I subscribe my name this 27th day of October, 1677.

Martha Emery
 acceptance of
 y^r accompt.

The marke of  MARTHA EMERY.

Martha Emery appearing acknowledged this account to be received by hir, & to satisfaction, this 27 8, 77.

Before me, JO: DUDLEY, Assistant.

Wittnes to hir signing & m^{ke}, 28 8, 77.

Edward Rawson,
 George Broughton,

Thus entred & recorded at request of sajd Martha Emery.

p EDW: RAWSON, Secre^t.

1677.

30 October.
Ans^r to Mr
Russells peti-
tion as to dry
docke.

In ans^r to the petiçon of James Russell, Jn^o Heyman, Samuel Ballard, & Jn^o Phillips, of Charles Towne, in behalfe of themselves & others, relating to a dry docke, it is ordered, that the order of this Court in 1667, relating to the building of a dry docke, take place & be in force as to any person in Boston or Charles Towne first building the same.

[*172.]

Ans^r to Marl-
borow petiçon.

*In answer to the petition of the inhabitants of Marlborow, humbly desiring y^t the tract of land lately belonging to the Indians there might be conferrd vpon the inhabitants, that they might be free for some time for paying country rates, &c, the Court judgeth it not meete to grant their requests.

Salisbury, 13th 7 mo., 1677.

Comittees
judgm^t in
Salisbury case.

Wee, whose names are subscribed, appointed by the hono^{ble} Gennerall Court May 23, 1677, vpon our repayre to Salisbury, and notice given to all partjes to yeild their attendance, a ffull hearing & plea being allowed to Major Pike & the Reuerend Mr Wheelwright, and others of the church concerned, wee finde, that though the originall fault chardged vpon Major Pike was not a matter of plaine immorallity & scandall, yet that, in the after mannagement & prosecution of the difference between himself and said Wheelwright, pastor, hee hath shewed himselfe too litigious in impeaching him wth so many articleles vnder his hand, thereby procuring great disturbance to the church & place, and also much contempt of said Wheelwrights person & office, in publickely retorting vpon him those words in the 7th of Mathew the 5th, ‘Cast out the beame,’ &c, and of him and the church in his suddain wth drawing, and with much contempt refusing their judgement, as prooved against him, of all w^{ch} wee expect his candid acknowledgment; neither can wee excuse Mr Wheelwright of too much præcipitancy in pronouncing a sentance of exco^mmunication against said Pike wthout further tryall for repentance, according to the vote of the church, if he repent not, agravated in that the offence was primarily personall, and thereby plainly hazarding the breach of the church, being but eight and seven, which sadly came to passe. Wee cannot but condemne that euill practise of those of the church & towne that did endeavo^r in their petition to the Gennerall Court to eject Mr Wheelwright his ministry, by rendring him to be the cause of the disturbance, and that his ministry had a tendency to the inflaming the mindes of people one against an other — a practise of so dangerous a consequence that not only the contriuers, but euen those that were draune thereinto ought to reflect vpon with selfe condemnation, which wee expect to heare from them.

[*173.]

Wee finde, also, that those brethren, with Major Pike, *are chargeable for

breach of communion & a tendency to schisme in their so farr espousing that quarrell as to wthdraw, and those of Amesbury alike faulty for their particular interposing in that matter, which they were not present at the manngement of, too much espousing a party rather then seeking the churches peace; and therefore doe aduise & pray a generall & serious sence of these particullars in the seuerall partjes concerned, & that M^r Whelewright & the church doe, vpon the majo's confession as aboue, receiue him againe to their communion, hoping M^r Whelewright & the church will see the error of the former transaction, as intimated aboue, and that they all agree together to obteyne some other godly and learned person to assist their pastor in the worke of his ministry, not abating his former maintenance amongst them.

1677.

30 October.

DANIEL DENISON,
J: DUDLEY,
THOMAS SAVAGE,
HUGH MASON,
DANIEL FISHER.

To y^e hono^rble the Geñill Court, now sitting.

The returne of the comittee appointed to repaire to Salisbury to setle & compose the dissentions there.

Having given notice to the church & persons concerned in Salisbury of our intentions to be there on the 12th of September last, to attend the order and comission given us by the last Court, & accordingly most of us repaying thither, & convening the people, & acquainting them with our comission, & signifying to them that their dissentions and the disturbances among them were greivous & scandalous, and accordingly advising them to Christian composure & due reflection on their late distempers, they had full liberty to declare their causes.

Committees returne in Salisburys case as to Major Pike & M^r Whelewrights & Courts acceptance.

The pastor beginning to declare the grounds of his, & those wth him, proceedings, in like manner, having heard Major Pike, and such other as were with him, to speake freely & fully, wee told them they should soone after vnderstand our minds and sence, w^{ch} was deliuered to them, whereof the annexed is a true copy.

Copies whereof wee gaue to both partjes, after read to the assembly, gaue them that night^s consideration, and in the morning, in the open assembly, though wth some difficulty, wee obteyned their compljance therein & remission of all offences mutually, and M^r Whelewright & the churches free reception of Major Pike into their fellowship againe, & resolution, by Gods

1677. helpe, to bury & forget all past miscarriages, & liue in loue & the feare of God.

30 October.

DANIEL DENISON,
JOSEPH DUDLEY,
THOMAS SAUAGE,
HUGH MASON,
DANIEL FISHER.

Maj^r Apleton was p^sent, consented & signed, but is now absen[t].

J. D.

This returne is accepted of by the Court.

[*174.]

Courts ans^r to
Cap^t & Scot-
tows peti^cion
for way of dis-
charge of hir,
&c, disbursm^{ts}
on & by y^r
county of
Yorke.

*In ans^r to the petition of Cap^t Joshua Scottow, humbly crauing the fauo^r of this Court to order the payment of his & others disbursments mentioned in the account given in as on behalf of himself & seuerall of the inhabitants of Scarborow, it is ordered, that the peti^cioners be referred to pro- ceede for sattisfaction as the law touching disbursments doth direct, provided after such procedure the accounts be remitted to the county of Yorke for payment.

Courts ans^r to
Sar^t Johnsons
letter, garrison
to be main-
teynd at their
charge or
draune of.

17. 8. 77.

Vpon the Courts reading Sarjant Johnsons letter from Black Point, it is ordered, that the persons there concerned take care for supply & maintenance of that garrison at their oune charge, or be instantly draune of.

In answer to the petition of Cap^t Joshua Scottow, in behalfe of himself & the rest of the inhabitants of Scarborow, the Court judgeth it meet to grant the peti^cioners all such armes & amⁿition as are now in the garrison at Black Point belonging to the country for the deffence of the same, the quantity to be taken notice of by some meet person appointed, & that a like proportion be returned when called for by this Court or council, and also, that the peti^cioners, inhabitants of Scarborow, who shallbe engaged in the vpholding of this garrison, to be freed from all country rates while they shall so doe.

Courts ans^r to
Mr Dauies pe-
ti^cion as to y^r
differene be-
twene him &
Mr Boyeses ou-
seers.

Courts order &
ans^r to Hatt-
feild as to y^r
rates, &c, 12
fire armes when
returnable, &c,
12 or 16 to y^r
garrison, on w^t
termes.

In answer to the petition of Humphrey Daue, this Court doeth order, that the trustees or ouerseers of the estate of M^r Antipas Boyse, deceased, and the sajd Davje, if they cannot agree, they shall choose audito^rs to issue the accounts & difficultjes betweene them, and returne the issue to this Court, and in the meane tyme pay the ballance to M^r Davie in order to its returne to England.

In ans^r to them of Hattfeild, it is ordered, that the rates of those of that toune who haue binn impouerished by the late cruelty of the innemy burning doune their habitations, shallbe respitted and left in their hands vntill the

Court shall give further order therein ; and that twelue fire armes be deliuered by the Tresurer to Leif^t Allis for the supply of those that haue left their armes at Hatt^field, & to be returned againe when the Court shall demand them ; and do leaue it wth the council to give order for the twelue or sixteene men to be helpfull for their security in a garrison, now or in the spring, as shall appeare to them to be necessary, the country being at the chardge only of their wages and amunition.

1677.

30 October.

In answer to the peti^ōn of James Hudson, the Court grants his request, i. e., a hearing of his case this afternoone, & y^t sub forma pauperis, & y^t y^e parties concerned haue present notice, w^{ch} was issued out immediately.

Ans^r to Hud-
sons peti.,
Hudson ag^t
Brayden.

*In the case of James Hudson, plaintiff, by his peti^ōn, against James Brayden & John Ruggles, defendants, craving the favour of this Court for releife in reference to damage donn vpon his land lying vpon Long Island by sajd Brajden, or Rugles, his tennant —

[*175.]

Hudson ag^t
Rugles & Braj
den.

The Court, on a full hearing of the case & euidences therein, doe finde for the plaintiffe, viz^t, Hudson forty shillings damage, and to be levyed vpon the estate of the sajd Ruggles, and that the plaintiffe enjoy the vse of his land wthout fencing.

**Att a Gennerall Court for Elections, held at Boston, 8th of
May, 1678.*

1678.

8 May.

J^N^o LEUERET, Esq^r, was chosen Gou^r for y^e yeare ensuing, & took his oath 9th ins^t.

[*176.]

Samuel Symonds, Esq^r, was chosen Dep^{ty} Gou^r, &c, & tooke his oath.

Symon Bradstreet, Esq^r, was chosen an Assistant,

Daniel Gookin was chosen an Assistant,

Daniel Dennison was chosen Assistant

Thomas Danforth was chosen Assistant

W^m Hathorne was chosen Assistant,

Jⁿ^o Pynchon was chosen Assistant,

Edward Tyng was chosen Assistant,

W^m Stoughton was chosen Assistant,

Joseph Dudley was chosen Assistant

Peter Bulkeley was chosen Assistant,

& Majo^r Ge^rill.

& 1st Co^missio^r for y^e
Vnited Colonjes.

Esq^rs.

& 2 Co^mission^rs.

1678. and tooke all their oathes to their places 9th of May, 1678, y^e 2 absent only
 excepted.
 8 May.

Edward Rawson was chosen^t Secretary, & tooke his oath, 9th.
 M^r John Hull was chosen Treasurer, & tooke his oath.

The Court was adjourned till y^e morning at 9 of y^e clocke.

The names of the seuerall deputjes returnd from the townes to serve at
 this Court were, —

Salem: M^r Edmund Batter, M^r Barfolmew Gidney.

Charls Toune: M^r Thō Graves, M^r Jacob Greene.

Dorchester: Lef^t Jn^o Capen, M^r ^ Sumner.

Boston: Majo^r Thō Sauage, M^r Anthony Stoddard.

Roxbury: M^r Edward Morris.

Water Toune: M^r Symon Stone.

Cambridge: M^r Edw^d Oakes, M^r Joseph Cooke.

Lynn: Ensigne Jn^o Fuller.

Ipsuich: M^r Jn^o Apleton.

Newbery: M^r Caleb Moody.

Weymouth: M^r Jn^o Bicknell.

Hingham: M^r Thomas Andrews.

Concord: M^r Cap^t Thō Brattle.

Dedham: Cap^t Daniel Fisher.

Springfeild: ^

Andouer: Ensⁱ Thomas Chandler.

Hampton: M^r Sa^m Dalton.

Rouley: M^r Jn^o Peirson.

Wooborne: M^r Humphry Dauy, Lef^t W^m Johnson.

Braintry: M^r Samuel Thompson.

Hauerill: M^r Henry Palmer.

Maulden: Cap^t Jn^o Wayte.

Beuerly: M^r Jn^o Dodge.

Kittery: Cap^t Jn^o Wincoll.

Majo^r Thomas Sauage was chosen Speaker for this session.

PRESENT, Jn^o Leuerett, Esq^r, Gou^r,
 Sam^l Symonds, Esq^r, Dep^t Gou.
 Symon Bradstreet,
 Daniel Gookin,
 Daniel Dennison,
 Th^o Danforth,
 W^m Hathorne, } Esq^s.
 Jn^o Pynchon,
 Edw^d Tyng,
 Joseph Dudley, }

1678.

9 May.

*Whereas M^r W^m Stoughton & M^r Peter Bulkley, our agents, are still [*177.] obstructed in their returne, and no allowance hath yet been made for their service, it is ordered, that one hundred pounds be payd to each of them for the bennefitt and releife of their familjes in their absence, and that the same be paid in money, or at money prize.

That there be a full and cleere settlement of all accounts of disbursments relating to the warr, it is hereby ordered & declared, that all and euery person or persons in this jurisdiction challenging any thing of the country, shall, once betweene this & the last of July next, bring in their accounts, duely examined and allowed, according to law in such cases made, and present the same to the country Tresurer, or otheruise they may not expect any satisfaction for ought in any respect. Order requiring all accounts as to y^e warr to be brought in by July next.

Information being given to this Court of some person or persons as yet vnknowne, that hath either, by word or writting, vttered such things as tends much to the reproaching of our present honor'd Gouerno^r & gouernment, that due testimony may be borne against such persons & things, it is ordered, that Thomas Danforth & Jn^o Pynchon, Esq^s, wth Leif^t W^m Clarke, M^r Peeter Tilton, M^r Th^o Graues, & Cap^t Daniel Fisher, be a comitte to make diligent enquiry into this matter as to persons & things, and accordingly to make returne of what they shall finde therein, to the sessions of this Court in October next. Comitte to inquire after y^e things said to be reproachfull to the Gou. & go^um^a.

The Court, for some import reasons therevnto mooving, judge it not meete to sitt any longer time at this sessions, nor cann there be an issue put to all matters depending at present. It is therefore ordered, that all petitions which haue binn duely entred, and haue not binn considered off, and what petitions may yet be entred according to law before the Court breake vp, together with any other thing or things which haue binn orderly received, Courts order referring all matters not issued to y^e sessions in Octob.

1678.

9 May.

The case between Hudson Leueret, &c., Douden or Paddy to be heard 1st Fryday in October.

[*178.]

Ans^r to James Brajdens petition, case to be heard.

Ans^r to Redding petition, case to be heard.

Y^e case betweene Salem & Befly to be heard, caution to be given.

Ans^r to Wenham petition.

Associates for Douer & Portsmouth.

Gen^s in Douer & Portsmouth in magistraticall authority.

Major Waldron in magist. in Yorks.

Associats for Yorks.

[*179.]

Major Waldron power to give oaths, &c.

that they, and euery of them, (salvo jure,) to euery man, shall all be referred to the nex sessions in October.

In ans^r to the petition of M^r Hudson Leueret & Sampson Shoare, the Court judgeth it meete to grant the petiçōners request, i. e., a hearing of the case in October next, on the first Fryday in that session, & y^t timely notice be given to partjes concerned.

*In ans^r to the petition of James Brajdning, the Court judgeth it meet to grant the petiçōner a hearing of the case on the first Saturday in the next sessions of this Court in October, at eight of the clocke in the morning, y^t all partjes concerned being seasonably sumōned, and caution entred for the hearing of the case.

In ans^r to the petiçōn of W^m Coudrey, Robert Burnap, Jnthan Poole, &c., in behalfe of the inhabitants of Redding, the Court judgeth it meet to grant the petiçōners a hearing of the case mentioned in their petiçōn, at the next sessions of this Court in October next, all partjes being seasonably warned to attend their concernes, & caution being given to the secretary for the Courts hearing of the case.

There being a returne made by the cōmittee appointed by the Generall Court, as to a new survey of the land in controuersy betweene the townes of Salem & Beuerly, which is on file, the Court judgeth it meete to grant a hearing of the case at the sessions of this Court in October, on the fowerth day of the second weeke of the Courts sitting, & that partjes concerned take due notice hereof.

And in ans^r to a petiçōn from the inhabitants of Wenham, p^sented to this Court, of like nature, & hath refference to y^e case aboue, the Court grants it may then be heard also.

Majo^r Richard Waldron, Cap^t Thomas Daniel, M^r Richard Martjn, & Cap^t Eljas Styleman, being nominated as chosen for assosiates for the county of Douer & Portsmouth for this year, were allowed of by the Court.

Magistratticall power is granted to Majo^r Richard Waldron, Cap^t Eljas Styleman, & M^r Richard Martyn, in Douer and Portsmouth, as formerly, for the yeare ensuing.

Majo^r Richard Waldron is apointed to execute magistratticall authority in Yorkshire for y^s yeare.

And Cap^t Jn^o Wincol, M^r W^m Symonds, & M^r Samuel Whelewright, are approoved & allowed to be associats for y^t county & *County Court for the yeare ensuing, wth full power as formerly.

It is ordered, that Majo^r Waldron take his oath here, and that he give

the other gent^{rs}, comissioners, & associates their oaths in those countys of 1678.
Yorkshire, Douer & Portsmouth.

Majo^r Robert Pike, Cap^t Nathaniel Saltonstall, M^r Samuel Dalton, & M^r Jn^o Gilman were approved of, & allowed for associats for the County Courts of Norfolke for this yeare.

9 May.
Associats for
Norfolke.

Magistratticall power is granted, as was formerly, to Cap^t Nathaⁿ Saltonstall, of Hauerill, for the yeare ensuing.

Cap^t Saltonstall.

Magistratticall power is granted, as formerly, to M^r Samuell Dalton, of Hampton, for y^e yeare ensuing.

M^r Dalton.

Magistratticall power is granted to M^r Jn^o Gilman, in Exitur, for y^e yeare ensuing.

M^r Gilman in
magistratticall
authority.

Magistratticall power is granted, as formerly, for the yeare ensuing, living in Newbery for the yeare ensuing, to M^r Jn^o Woodbridge.

M^r Jn^o Woodbridge in magi-
stratticall au-
thority.

Leift^{nt} W^m Clark, Leift^{nt} W^m Allys, M^r Peter Tylton, & Leift^{nt} Samuel Smith are approved of, & allowed to be associates for the year ensuing to y^e County Courts in Hampshire.

Hamps. associ-
ates.

Thomas Danforth, Esq^r, is appointed & hereby comissionated & impowrd to keepe the County Courts, wth the associates in Portsmouth & Wells for this yeare.

Tho. Danforth,
Esq^r, to keepe
y^e Courts at
Wells & Ports-
mouth.

W^m Hathorne, Esq^r, is appointed & hereby comissionated & impoured to keepe the County Courts in Norfolke for this yeare ensuing, wth the associates there.

Maj^r Hathorn
to keepe Norf.
Courts.

Cap^t Dudley Bradstreet is hereby appointed to joyne persons together in marriage at Andiuer, one or both of whom being settled inhabitants there, & being published according to law.

Cap^t Dudly
Bradst. pouer
to marry in
Andiuer.

In ans^r to the petition of the seuerall troopers at Salem, the Court judg-eth it meet to grant their request, i. e., that Captaine George Coruin be captaine ouer a troope in Salem, as in the former part of the peti^on is exprest.

Cap^t Georg
Corwin cap^t of
a troop in Sa-
lem.

In ans^r to the peti^on of Jn^o Warner, of Hadley, humbly declaring his being debillitated as to nature & estate, aged, vnable to beare the burden of watchings, wardings, & traynings, desiring the Courts fauer for his exemption therefrom for time to come, the Court grants his request.

Jn^o Warners
dismission.

*Itt is heereby ordered, that the comittee for the Castle doe forthwith take effectuall care, & order that the Castle be fully finished & put into a posture of deffence, and that for the effecting thereof the Tresurer shall pay all bills not exceeding the value of two hundred pounds, which the sajd comittee shall charge vpon him for the accomplishment of the sajd worke.

[*180.]
Comittees
pouer to re-
pajre the Cas-
tle.

In answer to the petition of M^{rs} Martha Eyres, widdow, the Court judg-eth it meet, & doe hereby order the select men of Boston to take care that the

Courts ans^r to
M^{rs} Eyres peti-
oⁿ.

1678.

9 May.

defective fence about hir garden adjoyning thereto to the prison ward be forthwith repayred or set up, so as may be most suiteable for such a place, & the charge thereof to be borne by the country & county Tresurers, according to the vsuall proportion.

Ans^r to W^m Blake, Eben-
ezar Clapp, &c,
peti^on., & ans^r
to all of like
nature.

In ans^r to the petition of W^m Blake, Ebenezar Clap, Georg Lyon, & James Tucker, of Milton, the Court judgeth it meet, & it is hereby ordered, that the selectmen of Dorchester doe forthwith restore to the petitioners their respective rates which they haue received, as is expressed in this petition, and that they, the sajd select men, shall & hereby are empowered to levy the same againe vpon the inhabitants of Dorchester; and further, that the answer of this petition shall be as an answer in all cases of this nature in all townes wthin this jurisdiction.

Ans^r to Jn^o &
Rob^t Bloods
peti^on.

In ans^r to the petition of Jn^o & Robert Blood, late of Billirrica, in y^e time of warr remooving & sheltring themselues at Concord, were rated there to y^e ten rates, & payd it; but being demanded payment for sajd rates at Billirrica, &c, & sued for y^e same, & recouered ag^t them, the Court declares that their ans^r to W^m Blakes peti^on., &c, of Milton, be their ans^r, and it is ordered, that Concord returne them the mony againe, wthout charge to y^e peti^oners.

Ans^r to Jn^o
Watsons peti-
c^on.

In ans^r to the petition of Jn^o Watson, who hauing bought a parcell of land of Samuel May, late of Roxbury, as Abigaile, his widdow, knowes & ounes, & hath engaged to passe a deed of sale for the same, that he had payd for, humbly desiring that the sajd Abigaile May, widdow, may be authorized to make him a legall deed for y^e same, the Court grants his request.

Ans^r to Sam.
Wights peti-
c^on.

In ans^r to the petition of Samuell Wight, of Meadfeild, hauing suffered great loss by fier by y^e Indian ennemy, brought very lowe, hvmbly desiring the favo^r of this Court to remitt him the rates, about 3 or 4^u, already due for y^e last yeare, hoping God will enable him to pay rates againe for the future, the Court grants his request.

[*181.]

Ans^r to Mary
Madox peti^on
& hir liberty.

*In ans^r to the peti^on of Mary Madox, the Court, hauing read & considered the contents of this petition, doe judge & declare, that y^e condition of the petitioner being indeed circumstanced as she hath therein declared, y^t her husband, Henry Maddox, hauing binn absent for a thirteen yeares, & never wrote or sent to hir in y^t time, she is at liberty from the conjugall bond made wth the sajd Maddox, & at liberty to dispose of hirselve as she shall see meete.

Ans^r to Cam-
bridg Village
peti^on.

In ans^r to the petition of the inhabitants of Cambridge Village, on y^e south side of y^e riuier, the Court judgeth it meet to grant them a hearing of

the case mentioned on the first Tuesday of the next session in October, and all parties concerned are ordered to haue timely notice.

1678.

9 May.

Ans^r to Mr
Humphry Davy's motion.

In ans^r to the motion of Humphry Davy, this Court doeth order, that the trustees of Mr Bojse his estate shall nominate one person, & the said Davy all other, to examine & issue the exceptions & differences in the bookes of account of the said Boy^s, wherein the said Davy is concerned, wthin two months next ensuing, and what they jointly judge due to the said Davy by the exceptions & accounts, that it be forth with payd vnto him or assignes out of the estate of the deceased; and in case of any agreivance of either party or fayling of performance of the premisses, or in case of any difficulty concerning the estate of the said Boy^s relating to the said trustees, it is referred to the Governo^r & council to act, determine, & execute all things relating to the premisses, or any of them, to a fynall issue, & particularly that the said Davy may not be longer delayed.

Ans^r to Jn^o
Warner of
Cambridge, 3^u
allowed him &
exempt from
traynings.

Ans^r to Jn^o
Warner of
Springfeilds
peti. 2^d granted
in p^t.

Left Jsthan
Danforth im-
powred to mar-
ry & give
oathes.

Aron Cooke
Jun. cap^t,
Philip Smith
left, Joseph
Kellog Sen.
ensi., of foote
company at
Hadley.

[*182.]

Sarj^t Joseph
Tompson en-
sign at Bill-
rica.

Jn^o Olliver en-
sign to Major
Clarks compa.
Jn^o Modslly left,
comission is-
sued out.

Tho. Thirston
left at Mead-
feild.

Tho. Addams
ensi. of
Chelmsford.

Ans^r to Sarah
Stephens peti-
cion, Tre-surer
to pay Sarah
Stephens 4th in
corn.

In ans^r to the petition of John Warner, of Cambridge, a wounded soldier, it is ordered, that the petitioner is & shallbe hereby freed from traynings, and that he be allowed three pounds, to be payd him by the Treasurer of the country.

In ans^r to the petiçon of Jn^o Warner, lately of Hadley, now of Springfeild, the Court judgeth it meet to grant the petiçoner twenty pounds, to be payd him by the Treasurer of the country for the present, towards his disbursements on & for y^e country.

Left Jnthan Danforth is impowred to marry and administer oathes in the toune of Billirrica, according to law.

Leif^t Samuel Smith, of Hadley, being very aged & weake, & not being so well able to dischargd military trust as heeretofore, on his request to this Court, is dischargd, and Aron Cooke, Juⁿ, of Hadley, is appointed to be captaine of the foote company there, & Phillip Smith be leiftenūt, and Joseph Kellog, Sefi, ensigne to y^e said company.

*Sarjant Joseph Thompson is appointed ensigne to the foote company at Billirrica vnder Left Jonathan Danforth.

Mr Jn^o Olliver is appointed ensigne to the ffoote company vnder Major Thomas Clark in Boston.

John Modesley is appointed leiut to the ffoote company at Westfeild.

Thomas Thirston is appointed leifteit to the foote company at Meadfeild vnder Cap^t Barber.

Thomas Addams is appointed ensigne to the foote company at Chelmsford.

In ans^r to the petiçon of Sarah Steevens, relict of Joseph Steephens, in-

1678.

9 May.

forming that her late husband, in y^e time of the warr, being constable of Mendom, sent doune fower pounds worth of corne to Meadfeild, in order to its payment to the Tresurer, w^{ch} was burnt there by y^e ennemy, & hauing paid it to y^e Tresurer, considering hir low condition, humbly desires she may be reimbursed the said fower pounds for hir releif, it is ordered, that the Tresurer doe reimburse hir the said sume, she taking hir oath to hir narrative y^t y^e corne was the country^s.

Ans^r to M^{rs}
Francis Reyners
peti^on.

In ans^r to the petition of M^{rs} Francis Reyner, of Douer, widdow, it is ordered, that M^r Richard Martjn, Cap^t Thomas Daniel, & Leif^t Nutter, of Douer, doe take p^{ar}ticular account of the present condition of the estate of both the M^r Reyners, deceased, and make their report to the next sessions of this Court, what may be donn for the widdows releife.

Ans^r to Lawrence
Cleutons
peti^on.

In ans^r to the petition of Laurenc Cleuton, it is orderēd, that this case be referred to the Court of Assistants next to put issue therevnto, & that our present hono^d Dep^t Gouvern^r or majo^r geñll take bond of the peti^oner to prosecute accordingly.

Ans^r to James
Louells
peti^on.

In ans^r to the petition of James Louell, of Weymouth, the Court sees not cause to grant the petitioners request, the case mentioned therein hauing binn heard & determined by the Gennerall Court once & agajne.

Ans^r to Jer.
Bumsteeds
peti^on.

In ans^r to the peti^on of Jeremiah Bumstead, it is ordered, that the fine of the peti^oner be suspended, & that he stand bound to his good behauiour during the Courts pleasure.

Beuerlys
brandm^rke.
EB

In ans^r to the request of Beuerly, it is ordered, that the letter EB be their brand mark.

[*183.]

Order for y^e
Tres^r to p^{ay}fect
his acc^{ts}, &c.

*It is ordered, that the Tresurer prepare all the country accounts as to the disbursments about the warr, & deliuer them to our cōmissioners for the Vnited Collonjes before their going to Connecticott, the place of their next meeting.

Andiver &
Tho. Fullers
case.

Wee, whose names are vnderwritten, being appointed by the honord Geñl Court, October the 10th, 1677, to rvnn bounds of Andiver towards Wills Hill, in observance thereof wee mett at Andiver, the partjes concerned on each side, hauing notice of the same, were present. We begann at Andouer meeting house, and ran in a direct l^{ine} towards Wills Hills, (runing twenty nine degrees east from the south.) Wee measured sixe mile, good measure, by the chajne, and allowed thirty rods more for the dragging of the chajne, which ended at a red oake, which had a very great rocke by it on the north side, which red oake stands a few rods westward of the path that goeth from Andouer to Wills Hill; from this red oake wee rann, in a circular l^{ine},

sevenscore pole on each side, keeping at the same distance from the meeting house, which cleared all that land between Andouer & Sarjant Fuller, which was in controuersy; and wee found that wee wanted fower score pole of reaching the former bounds, that Andouer challendged towards Wills Hill.

1678.

9 May.

Wittnes our hands.

JONATHAN DANFORTH, Survejo^r,
WILLJAM JOHNSON,
SHUBALL WALKER,
JEREMIAH SWEYNE.

The Court allowes & approues of this returne.

Two bills of costs in this case, betwene Andiver & Thō Fuller, was Their costs. presented, the one from the surveyo^rs, &c, amounting to sixe pounds two shillings, & the other from Thomas Fuller, amounting to three pounds five shillings, in all nine pounds seven shillings, which the Court allowed, & ordered to be paid in mony, æqually, the one halfe by the towne, the other by Thō Fuller, Señ.

*At the second Sessions of the Geñll Court, held at Boston, 2^d 2 October.
October, 1678.*

PRESENT, Jn^r Leueret, Esq^r, Goñ,
Safñ Symonds, Esq^r, D. G.
Symon Bradstreet, }
Daniel Gookin, }
Daniel Dennison, } Esq^rs.
Thō Danforth, }
Edw^d Tyng, }
Joseph Dudley, }

THE whole Covrt mett together, & the Goñno^r read his maj^{ty} letter, wth the copie of the oath of allegiance sent therein, acquainting the Court that himself, y^e Dep^t Goñno^r, & magis^{ty} then present in council at Cambridge the 1st of August last, wth the secretary, tooke the said oath in tottidem verbis.

Also, at the same time, 2^d of October, as aboue, our agents letters of

1678. April, July, & August last, wth Randall Houlden & John Greens peti^cōn, & our agents ans^r thereto, were all read, & againe returnd to y^e Go^vno^r againe.
 2 October.

The 2 indentures ab^t the Prouince of Majne were also read, & deli^ud in a black box to y^e secretary, to keep for the Court.

More then ordinary occasions fallen, in the Court, by their order, respitted all private & p^ticular cases to be respitted a hearing till 11th instant, at 8 of y^e clock, when all partjes concernd werē to attend, and sett apart y^e 9th ins^ant to humble y^emselves before the Lord, & seeke his face, desiring y^e help of y^e Go^vno^r and Assistants, & y^t the Re^und M^r Oakes giue a word of exhortation.

[*184.] **Att the second Sessions of the Gennerall Court, 2^d October, 1678.*

Present as in y^e other side, wth Majo^r Pinchon.

Majo^r Hauthōn keeping Court at Hampton.

Oath of allegi-
 ance.

I, A B, doe truely and sincerely acknowledge, proffesse, testifie, and declare in my conscience before God and the world, that our soueraign lord King Charles is lawfull and rightfull king of the realme of England, and of all other his majestjes dominions and countreyes, and that the pope, neither of himselfe, nor by any authority of the church, or sea of Rome, or by any other meanes with any other, hath any power or authority to depose the king, or to dispose of any of his maj^{ties} kingdomes or dominions, or to authorize any forreigne prince to invade or anoy him or his country, or to dischardge any of his subjects of their allegiance and obedience to his majesty, or to give licence or leave to any of them to beare armes, raise tumults, or offer any violence or hurt to his majestyes royall person, state, or gouernment, or to any of his majestjes subjects wthin his majestjes dominions.

Also I doe sweare from my heart, that notwthstanding any declaration or sentence of exco^mmunication or deprivation made or granted, or to be made or granted, by the pope or his successo^s, or by any authority deriued, or pretended to be derived, from him or his see against the sajd king, his heires or successo^s, or by any absolution of the sajd subjects from their obedience, I will beare faith and true allegiance to his majesty, his heires, & successors, and him and them will defend to the vttermost of my power against all conspiracjes and attempts whatsoever which shall be made against his or their persons, their crowne and dignity, by reason or coulour of any such sentence

or declaration, or otherwise, and will doe my best endeavour to disclose and make knowne to his majesty, his heires, and successo's all treasons and trayterous conspiracjes which I shall know or heare of to be against him or any of them.

And I doe further sweare, that I doe from my heart abhor, detest, and abjure, as impious and hæreticall, this damnable doctrine and position, that princes which be excoṁmunicated or deprived by the pope may be deposed or murdered by their subjects, or any other whatsoever.

And I doe beleive, and in my conscience am resolved, that neither the pope, nor any person whatsoever, hath power to absolue me of this my oath, or any part thereof, which I acknowledge, by good and full authority, to be lawfully ministred vnto me, and doe renounce all pardons and dispensations to the contrary; and all these things I doe plainly and sincerely acknowledge and sweare, according to these express words *by me spoken, and according to the plaine and coṁon sence and vnderstanding of the same words, wthout equiuocation, or mentall evasion, or secret reservation whatsoever; and I doe make this recognition and acknowledgment heartily, willingly, & truly, vpon the true faith of a Christian. So help me God.

1678.

2 October.

[*185.]

Whereas it hath pleased his most excellent majesty, our gracious king, by his letter bearing date the twenty seventh of Aprill, 1678, to signify his royall pleasure that the authority of this his colony of the Massachusetts in New England doe giue forth orders that the oath of allegiance, as it is by law established wthin this kingdome of England, be ministred and taken by all his subjects within this colony who are of yeares to take an oath, —

Order to take
the oath of al-
legiance.

In obedience wherevnto, and as a demonstration of our loyalty, it is ordered and enacted by this Court and the authority thereof, that, as the members of this Court now sitting haue readily taken the oath of allegiance, so, by their example and authority, they doe require and coṁmand that the same oath be given and taken by all his majestjes subjects wthin this jurisdiction that are of sixteene yeares of age & vpwards.

And to the end this order be duely executed, it is hereby ordered, that a conuenient number of printed copies of the sajd oath of allegiance, exactly agreeing wth the written copie inclosed in his majestjes letter, and signed by the secretary of state, to be sent forth to euery magistrate and justice of peace, and to the constable of euery toun wthin this jurisdiction.

And it is further ordered, that the magistrates and justices, or such as are coṁmissioned wth magistratticall authority, in euery county of this colony, doe, with all conuenient speed, repaire to the seuerall tounes & villages wthin this

1678.

2 October.

jurisdiction, at such time and in such order as they best may, and accomplish the same, giving forth their warrant to the constables of each toun to conuene all the inhabitants of the age abouesajd, and taking their names in writting, administer the sajd oath of allegiance to each of them, and returne their names to the recorder of each County Court to be enrolled; and if any shall refuse to take the sajd oath, or absent themselues, vnless in case of sickness, the names of such shallbe returned to the recorder of the county, who are to be proceeded against by the County Courts respectively, for the first offence whereof he is legally conuicted, to pay such a fine as the County Court shall impose, not exceeding five pounds, or three moneths imprisonment in the comon prison or house of correction; and for the second offence whereof he shall be lawfully conuicted, what sume the County Court shall inflict, provided it extend not ten pounds, or sixe moneths imprisonment, wthout bayle or majn prize.

[*186.]

Treason punished wth death.

*It being the duty aswell as the practise of all good subjects to provide for the safety and security of the person, croune, & dignity of their soueraigne princes, this Court, being sencible of their duty and obligation to our soueraigne lord, the king, doe hereby order and enact, that whatsoever person wthin this jurisdiction shall compasse, imagine, or intend the death or destruction of our soueraigne lord, the king, (whom Almighty God preserve wth a long and prosperous reigne,) or to depriue or depose him from the style, honour, or kingly name of the imperiall croune of England, or of any other his majesties dominions, and such compassings, imaginations, devises, or intentions shall expresse, vtter, or declare, by printing, preaching, or malicious and aduised speaking, being legally convicted thereof, vpon the oaths of two lawfull and credible wittnesses, vpon tryall, or otheruise conuicted by due course of law, then euery such person or persons so offending shallbe declared and adjudged to be trayto's, and shall suffer the paynes of death.

Precedency of companjes in tounes.

Itt is ordered by this Court and the authority thereof, that in all tounes wthin this jurisdiction where there shall be more companjes then one, the precedency of such companjes shallbe according to the priority of the capitaines comission.

Clerks of the writts direction.

For the ascertaining the power of the clarkes of the writts, it is ordered, that all clerkes of the writts shall signe warrants only in the tounes where they are chosen or reside.

Law for exporting of provisions repealed.

2. That all writts so signed shall passe in all Courts of judicature throughout the colony, they signing A B, p curia, for y^e toun of C.

There being a lawe made in October, 1675, prohibiting the exporting of all sorts of prouission, which sajd law was to stand in force only during

the Courts pleasure, which this Court hauing considered of, for good reason, judge meet hereby to repeale the sajd law. 1678.

2 October.

Whereas seuerall persons, subscribers to the new building at Cambridge, are considerably behind in their payments, and many endeavo's haue beene for the getting in thereof, but hitherto the end is not attayed, this Court haue thought convenient that some meete person or persons in each tounne may be appointed & empowred to inquire into those defects, and to demand and receive what is yet behind; and in case any shall refuse to make payment of what they haue subscribed or promised, the sajd person or persons *hereby appointed, or to be appointed, are authorized to levy the same by distresse, as any constable may doe in respect of gathering in of rates, and what they shall get in they shall send or carry the same, and deliuer it to the ouerseers of the worke of the building at Cambridge, or where they shall order, the chardge of transportation to be defrayed out of the subscriptions; and the select men of euery tounne are hereby empowred & required to appoint meet men in their respective tounnes to this service, and to hasten the accomplishment hereof wth all expedition, and also to agree wth the collectors as to the charge in gathering in of the same, and that such of the collectors as doe not vnderstand what is behind & vn

ajd, repaire to the ouerseers of the worke for their information.

Order for to require p's behind of y^r subscriptions to y^e collidge.

Order impowring collect^{rs} in y^e tounnes to gather, &c, what is due to y^e collidge.

[*187.]

The prouidence of God hauing remooued from us the wo^rp^l Samuel Symonds, Deputy Gouverno^r, whereby that place is voyd, and the number of the Assistants of this colony below the prouission of the patent, & his majes^{ties} gracious indulgence thereabouts, whereby wee are in great measure incapacitated to mannage the cuntryes concernes, this Court doth therefore order, that the ffreemen of the seuerall tounnes doe send in their voates for a Deputy Gouverno^r, and alike their voates for the seuerall persons vnder written, according to law, being the persons last yeare in nomination not chosen, so as they may be opened on Monday, twenty fifth instant, that supply may be accordingly made, and the cuntrys interest and service not neglected.

Order for nominating of a Dr^r Go. & choice of Assistants.

It is ordered, that there be three rates raysed this yeare, one in money, the other two in corne, at prizes hereafter mentioned, viz^t, wheat at fve shillings, pease, barley, & barley mault at fflower shillings, Indian corne at three shillings, oates at two shillings sixe pence p bushell, to be

ajd in to the Tresurer, the money rate by the last day of December next, the other rates by the last day of March next, all corne to be brought in at the charge of the tounnes; rye is excepted, not to be

ajd in for rates.

Order as to rates.

This Court, hauing voted the acceptance of the bargain of our agents for the Prouince of Majne, doe order, that the Tresurer take effectuell order for the payment thereof, according to their engagement, & for his enabling

Order about the Prouince of Majne.

1678.

2 October.

herein, that the customes be security to himself, & such as shall lay doune the money in the countrys behalfe, vntill they be fully satisfied, for both principall, exchange, & loane. Also, this Court doth desire the Gouvernor & counjll to take order for the improouement, gouñment, & disposall of the sajd place by sale or otheruise, for the reimbūsing the sajd money in the countrys treasury, as to them shall seeme most meet & best.

[*188.]

Order for a day
of humilliation
21 November
next.

*It hauing binn presented & recommended vnto this Court by the commissioners of the Vnited Colonys at their last session at Hartford in September last, that the sajd seuerall colonjes might agree together to prostrate themselves joyntly before God for the obteyning of the Lords gracious expression of himself vnto, & continuance wth us, as in the ffollowing particulars by y^{em} is signified, viz^t: 1. That wee may be suteably affected wth & humbled vnder all the many tokens of his great anger kindled against ^{us}. 2. That he will freely pardon all our manyfold prouocations, be reconciled to vs, & heale our land.

3. That as he was present wth the blessed genneration of his pretious ones, the leaders of his people into & in this wilderness, & did heare them when in their distresses, they cryed vnto him, who will still please to dwell in the midst of us, and not forsake us.

4. That he will not take away his holy gospell, and if it be his good will yet to continue our libertjes, civill & ecclesiasticall, to vs, & to our children after us.

5. That a spirrit of conuersion maybe powred out vpon our children, that they may giue vp themselves, & their seed after them, to be the Lords, willingly subjecting themselves to all his holy rules & gouernment in his house.

6. That in our now low estate, in very many respects obuius to all serious spirits whose eyes are open, his tender mercjes may speedily prevent us, this Court, hauing a sence of the necessity of that duty of humilliation, and that they may joyne with the neighbour churches of the seuerall colonjes to poure forth strong & vnanimous cryes vnto God for the obtejnment of his grace and fauour, accordingly trusting in his mercy, that in the things which wee are agreed to aske according to his will, he will gratically heare, & be propitious to his servants, doe accordingly appoint Thirsday, 21th of November next, being the day agreed vpon to be solemnly kept as a day of fasting and prayer in all the churches & congregations throughout this jurisdiction, strictly inhibbiting any ser vile laboar by any the inhabitants of this colony.

1678.

To the kings most excellent majesty.

The humble petition of & addresse of the Governo^r & Company of your
majesties colony of the Massachusets in New England

2 October.
Courts ad-
dresse to his
majestie.

Humbly sheweth, —

That whereas your said petitioners haue, since your majesties most happy
restawration, vpon their seuerall addresses in the yeares 1661, 62, &c, receiued
many signall & gracious returnes of fauour, (confirmation of our charter, par-
don of our erro^rs, assurance of yo^r royall inclination to promote the trade &
happines of this plantation,) proceeding *only from yo^r royall goodnes, which
hath highly obliged us to all due acknowledgments thereof as wee haue had
oppertunity; and wee shall for future at no tyme omit to mannifest (accord-
ing to our capacitjes) our hearty and sincere affection to your majesties service
& interest, as in duty wee are bound; and therefore most humbly implore the
continuance of those gracious influences whereby your poore subjects here
haue binn so much refreshed in their great sufferings & distresses, and that
your majesties, according to your innate wisdom & goodnes, will receve no
impressions from any that, for their oune euill ends, shall endeavo^r (by false
& mistaken reports) to represent us as affecting & aspiring to a greatnes in-
dependent on your majesties soueraignty ouer vs, or incompatable with the
duty of good & loyall subjects to a most gracious king, in whose prosperity
wee most heartily rejoyce, & for which wee dayly pray.

[*189.]

In humble obedience to your majesties comānd in 76, wee dispatched our
good freinds M^r Willjam Stoughton & M^r Peeter Bulkeley to attend your
majesties pleasure concerning the bounds of our patent in refference to M^r
Gorges & M^r Masons, wherein, as wee haue beene informed, your majestie
hath declared your pleasure as to the settlement of the bounds of our patent,
& our right of gouernment therein according to our charter, which is matter
of great satisfaction to all your good subjects heere, it being their vtmost
ambition to enjoy, vnder your royall protection and allegiance, the knoune &
declared ends of the first vndertakers, which hath hitherto binn carried on at
their oune charge, both formerly & lately defended by a greater expence of
bloud & treasure then will easily be beleiued, whereof they cannot but desire
to reape the fruites, which they assure themselues they may wthout any dim-
inution of yo^r majesties greatnes, dominion, or glory, which, with yo^r majesties
pardon, wee are bold to affirme, will not be aduanced by any innouation or
alteration of our present settlement.

Wee humbly supplicate your majestie that our messengers, hauing dis-
patched the buisnes betruusted wth them by us, & comānded to attend by yo^r

1678.

2 October.

maj^{tye}, may be at liberty to returne, & not be obliged to make answer to such complajnts as are made by vnquiet spirrits, who seeke not your maj^{tyes} but their oune advantages & our disrest; and what shallbe incumbent on us wee shall, wth all dutyfullnes, attend as becomes good Christians & loyall English subjects, and shall glory in giving yo^r majestie all just sattisfaction, not insisting on any erata that may haue slipped vs in forty eight yeares, especially in our infancy or in the times of the late confusions, for which (as we haue had) wee againe most humbly implore your majesties gracious pardon, which will further obleige us for the future to be most observant of your royall pleasure as to your establishment of us according to the charter granted by yo^r royall father, & confirmed by your royall selfe vpon seuerall occasions. Lett your majesty be pleased to accept from our messengers abouesajd an account of our ready obedience to your majesties comānd for taking the oath of allegiance in the forme prescribed, and our repealling that lawe referring to the oath, so ill resented by yo^r majestie, wth some orders *M^r Attorney & M^r Solicitor excepted against, as our messengers haue intimated. Wee might recount the particulars, & present our further desires; but, fearing wee haue binn too tedious to detejne yo^r maj^{tye} from yo^r more important affaires, and not being in a present capacitie to manifest our grattitude by a suiteable acknouledgment of yo^r constant goodnes, by reason of the great desolations, great charges & debts contracted, & yet remayning vpon us, by the late insurrections & outrages of the Indians, wee prostrate at yo^r majesties feet, and humbly begg the acceptance of the loyall hearts ^

Your maj^{tyes} most humble subjects & suplicants,

The Gou^{er} & Company of y^e Massachusetts colony in N: England.

To M^r Solicitors objections as to what is defective in our lawes answered.

The Gennerall Courts answer to sundry things objected against us and our lawes by the honno^rble the lords of the council for trade & plantation, M^r Sollicito^r & M^r Attorney Gennerall.

Those deffects are supplied by lawes made against high treason, and the oath of allegiance sent by his maj^{tye} was cheerefully taken by the Court, and the Courts order gone forth for all his maj^{ties} subjects to take the same, on pœnalty.

To obj. 1. Where in our laues wee vse the word comōn-wealth, it is neither in contempt of or opposition to royall authority, and hath not of late bin vsed, nor hereafter shallbe.

To object 2. Ans^r. The Quakers, at their first coming hither, carried themselues so insolently and contemptuously against authority, rayling at and reuiling the Gou^{er}, magistrat^l, & ministers, denouncing fearefull curses in the name of the Lord, and wthall ^, & publickely disseminating and in-

sinuating their damnable opinions & hæthodoxies, to the great endaingering the true Christian religion, & raysing a diuision amongst your majtjes good subjects, after the trjall of seuerall other milder meanes vsed, w^{ch} prooved ineffectuall to restreine their pressing in amongst us, this Court was forced, for the preservation of the peace & welfare of this your maj^{ties} colony, to make a law for banishment, on paine of death, for all such contemptuous and obstinate intruders, which lawe they presumptuously and willingly transgressed, vpon which some of them suffered death; yet, so that till the very last it was offered them, that if they would quietly depart the jurisdiction, and promise not to returne againe, they should be dismissed, which they refused; nor can it be affirmed wth trueth that they were put to death for religion, no more then it can be affirmed wth trueth that the Jessuites and seminary preists put to death in the time of Queene Elisabeth & King James, of blessed memory, was for religion, who wee know suffered death justly for their breach and contempt of his maj^{ties} lawes.

To obj. 3.

To obj. 4. Ans^r. Our law doth not absolutely binde to two or three witnesses. Compare our lawes, title Wittnesses, and our law, title Capitall, page 14, sect 17.

To Mr Attorney Geñlls objections.

*To objecti 1st. Ans^r. So are many offences by the lawes of our nation, as those about treason, burglary, and theft, &c; and as to what is objected against persons condemned, making wills, &c, wee conceive it to be according to our patent; and if its originall, viz^t, that of East Greenwich, according vnto which, as wee conceive, notwthstanding the fathers crime, yet the children are to possesse the estate. [*191.]

To objecti 2^d. Ans^r. Wee finde it worthy further consideration and amendment.

To obj. 3. Ans^r. Not repugnant, though it admitts of degrees, and it issues in death.

To obj. 4. The same wth M^r Solicito's first objectċ, and there answered.

To obj. 5. Ans^r. Wee vnderstand it no otherwise but as vnder his maj^{ties}.

To obj. 6. Ans^r. Answered in M^r Solicito's second objection.

To obj. 7. Ans^r. Not repugnant, but according to the lawes of England; 1 Car: Regis, caput 1; 3 Ca^r, 4 cap^t.

To obj. 8.

To obj. 9. This is answered in M^r Solicito's 1st objecti.

To obj. 10. The oath of allegiance now sent ouer by his majesty being

1678.

2 October.

taken by all his maj^{ties} loyall subjects, our oathes to publicke officers are the same for substance wth the oathes of the publicke officers of other corporations.

To obj. 11. Ans. This is answered in the former.

To obj. 12, 13. Ans. The Court well approves your ans^r in that matter, wth this addition, that, beside other reasons, wee were necessitated to prevent cousenage, by reason of considerable sum^s of counterfeite Spanish money brought in amongst us.

To the objections of the lords of the com^{it}tee about abetting the murtherers,
&c.

To obj^e 2. The Court adds to what yow answered therein, viz^t, M^r Tho^s Kirke, related to S^r Dauid Kirke, and M^r Thomas Kellond, yet liuing, will testify the same; nor were Whaley and Goffe knoune here to vs to be such offenders till his maj^{ties} proclamation came ouer; nor doe wee know, nor could be informed, that they were in any part of this colony after the sajd proclamation came ouer, and therefore doe humbly beseech his maj^{tie} and the honorable privy council to give full credence to what is here asserted by his maj^{ties} dutifull subjects; and that there was no neglect, much less contempt, of his majesties com^{and} in this matter.

[*192.]

To objectⁱ 5. *Your answer in that matter also being approoved by the Court, they add further, viz^t, Wee doe affirme and assure his maj^{ty} and your lordships, that there was no violence or hostilitie vsed in the resettlement of New Hampshire or the Prouince of Majne after the departure of his maj^{ties} com^{ission}'s, nor any neede thereof, it being donne at the desire & with the consent of the inhabitants there.

To obj. 7. Your answer also therein being approoued, the Court adds, viz^t, That for the acts passed in Parl^{ament} for incouraging trade and nauigation, wee humbly conceive, according to the vsuall sayings of the learned in the lawe, that the lawes of England are bounded wthin the fower seas, and doe not reach Amerrica. The subjects of his maj^{ty} here being not represented in Parl^{ament}, so wee haue not looked at ourselues to be impeded in our trade by them, nor yett wee abated in our relative allegiance to his maj^{ty}. However, so soone as wee vnderstood his maj^{ties} pleasure, that those acts should be obserued by his maj^{ties} subjects of the Massachusets, which could not be wthout invading the liberties and propperties of the subject, vntill the Generall Court made prouission therein by a law, which they did in October, 1677, and shall be strictly attended from time to time, although the same be a discouragement to trade, and a great damage to his maj^{ties} plantation, vntill wee shall obteyne his majesties gracious fauour for that liberty of trade, wth wee are not

wthout hopes but that his maj^{ty} will see just occasion to grant to us, for the encouraging of his good subjects in a wilderness & hard country, who, by Gods speciall blessing vpon their industry, haue promoted the worke of nauigation, by building ships, raysing seamen, and nauigating them from country to country; and wee doubt not but it will appeare, vpon enquiry, that this restraint vpon us will be an abstraction of his maj^{ties} customes in England, and not an enlargement thereof, for that the endeavour of the merchant here is to haue his bancke in England; nor doe wee beleive that euer it can be demonstrated, that that liberty hath binn a losse to his maj^{ties} customes, especially of late yeares, for that for whateuer goods from any of his maj^{ties} plantations wee pay his customes before wee haue them; and hauing paid the duties, it seemes hard that wee may not haue liberty wth our fellow subjects in England. Wee speake not thus to capitulate with his majesty, but humbly submit the same to his royall clemency & grace.

1678.

2 October.

*To object 7. About customes, &c, wee say, that imposition vpon goods imported from England is not properly any custome, but a rate vpon such an estate, as a penny on the pound, when it comes into the merchants hands, as all other inhabitants pay for their catle and other their estate that they haue. [*193.]

About cus-
tomes, &c.

To object 8. As for the lawes accounted repugnant to the lawes of England, wee say, that they were not deemed so to be in the dayes of their making by those that made them, but only some of them diuers from them; wee are vpon examination of those objected against, and such as shall so appeare, wee shall repeale wth all convenient speed, and shall endeavo^r for the future that none such be enacted wthout his majesties express & particullar licence, except such as the repealling whereof will make us to renounce the professed cause of our first coming hither.

About[t] lawes
repugnant, &c.

As to any other objections in that of the lords of the comitte, &c, the Court doth acquiesce in yo^r answers.

Boston, 10 8, 78.

Gent^{en}, & our euer honnord freinds:—

Your joynt letters, da^t March 15th, July 26, & August 15th, 1678, came safe to our hands, & haue binn presented & read in the Gennerall Court. The great kindness of God in the preservation of your healths & liberty to attend the service of the country wee cannot but thankfully acknowledge, & yo^r oune indefatigable endeaunours, wth so great intensenes of minde, in that great service, doth highly oblige us in grattitude to yourselues, whateuer the issue may finally be, duty being only our part, & the succeſse thereof his to whom it well becometh all knees to bow. Obstructions & difficultjes in a worke of

Courts letter to
o^r agents in
Engl^a.

1678.

2 October.

this nature neither yow nor wee ought to marvell at. Blessed be God that hath hitherto appeared dissappointing the hopes & exultations of our adversarjes, & giving us favour in the eyes of the kings majtje & his most honorable council. According to the intimation given in yours, wee haue draune vp an addresse to be presented to his majtje. Our apprehensions as to other particulars yow mention in yours yow will finde heere inclosed. In gennerall, then, wee may say that establishment which wee haue heere enjoyed for neere fiftie yeares, wee cannot but judge that it would be very great ingratitude to God, & to his maj^{ty}, should wee deale slightly in securing the same, the interest of God & his maj^{ty} being farr more concerned therein then ourselues can possibly be, personally considered, and they are not to be accounted freinds to either that shall seeke to vndermine or weaken the same; for, as our grouing vp to such an orderly settlement hath binn the genuine ofspring of his majestys charter, granted us vnder the great seale of England, so also the Lord hath binn pleased graciously to oune his people here that haue adventured their liues & estates into this howling wilderness in the pursuance thereof. And it is well knoune that our planting here haue not only secured these plantations

[*194.] from the French and Dutch, *that would otherwise haue swallowed vp the same, and wth whome at first wee mett wth some contests, but also, by our navigation and trade, his maj^{ties} exchequer haue binn (at least) some litle advance, & was neuer in the least diminished on our account. Some mariners and merchants heere doe affirme that they apphend that the customes paid in England by the shipping that come from New England is not lesse then twenty thousand pounds p annū. But that which is farr more considerable then all these is the interest of the Lord Jesus, & of his churches scittuated in this wilderness, w^{ch} ought to be farr dearer to us then our liues; and his majestjes charter being, vnder God, our only security against the malice of our adversarjes in these respect, any litle breach in the wall would endanger the whole, and therefore, as his maj^{ty} hath binn pleased, by his gracious letters sent vnto us againe & againe, to confirme the same, wee would not that, by any concessions of ours, or of yo^{rs} in our behalfe, that any the least stone should be put out of the wall; and wee are not without hope that, in the issue, his maj^{ties} favour will be as the north winde for the scattering of those clouds that doe seeme at present to threaten the losse of our future tranquillity.

Wee very well approved your declaration of our readiness to amend any thing of which, through ignorance or neglect in any kinde, wee haue transgressed the rules given us by his maj^{ty} in our charter, and to begg his pardon for the same.

As for that particullar of our coyning money wth our oune impress, his

maj^{ty}, of his gracions clemency towards us, hatn not binn pleased as yet to declare his pleasure therein; and wee haue confidence that, when he shall truely be informed of the symplicity of our actings, the publicke joy thereof to his subjects here, and the great damāge that the stoppage thereof will inevitably be to our necessary comēce, and abatement of his maj^{ties} customes, yearely acruing by our merchants & nauigation, & is paid at London, his maj^{tye} will not account those to be freinds to his croune that shall seeke to interrupt us therein; and for the impress put vpon it, wee shall take it as his maj^{ties} signall ouning vs, if he will please to order such an impresse as shall be to him most acceptable.

Your bargain & obligation given for yo^r purchas of the Prouince of Mayne this Court doth accept, and shall take care that the money be accordingly paid; and wee desire that yow will vse yo^r vttermost endeavo^r for the settlement of the fower intervening tounes.

Our sence of the particulars intimated in yo^{rs} we dare not presume to give as our answer, his maj^{tye} not hauing as yet declared his pleasure therein, nor demanded of vs our answer thereto; only as yow haue oppertunity yow may make vse thereof.

*His majestjes order, passed for expediting what is yet depending in order for your dispatch, doth giue us ground confidently to expect your returne vnto us early in the spring, and therefore wee shall forbear to mention what otherwise we haue binn meet wth respect thereto; nor will it be necessary that wee should give yow any further instru^{ctions} or take care for your further supplyes of money, saue only for dischardge of arrears past, and what will be accomodable for yo^r returne home; and in very trueth the whole country is now so greatly impouerished by our late trouble wth the Indians, sicknesses, & mortallity, &c, that wee are not able to procure any more mony to be sent ouer to yow, our tresury being not only empty, but many thousands of pounds indebted to merchants here and in England that haue lent us money for our supply.

In observance of his majestjes expresse wth refference to the oath of allegiance, on sight thereof the Gouverno^r & council tooke the same, and on the meeting of the Gennerall Court, the Deputjes also tooke it *it*, no man in the least dissenting, and haue passed an order for the taking thereof by all the inhabitants of the collony.

The kings armes also the Court haue ordered to be forthwith carved by an able artist, & erected in the court house.

[The remainder of page *195, and a portion of page *196, are blank.]

*It being concluded by the comissioners at their sitting at Hartford, that

1678.

7 October.

[*195.]

[*196.]

1678.

7 October.

Committee for
sale of con-
quest land.

a committee of the severall colonjes met at Plymouth March next to assist in the sale of the conquest lands, the Court judgeth it meete to appoint and order Cap^t Daniel Fisher, M^r Thomas Weld, & Leif^t Jn^o Holbrooke to attend the same, whom the Gou^{no}r may formally commissionate & impower, in the name of the Gennerall Court, for the mannagement of that affayre.

Ans^r to Cap^t
Clapps peti^on.

In ans^r to the peti^on of Roger Clap, cap^{tn} of the Castle, the Court judgeth it meet to grant that the one halfe of his & his mens wages be assigned to him by the Treasurer, to be paid in money or as money.

Diu^on of Sa-
lem sould^{rs}.

There being an order lately made for taking of Salem ffarmers from trayning at Salem, and the setting them as a foote company, for the ordering of the ffoote companyes remayning in Salem, this Court doeth declare, that the said companyes, as to their distribution, be and remajne as they were before the said ffarmers were made a company; and also, this Court doeth order and appoint, that Ensigne Bartholmew Gidney be leiften^{nt} to Cap^t Jn^o Coruin, and that John Pickering be ensigne in his roome.

Barthol. Gid-
ney lef^t to Cap^t
Jn^o Corwin,
Jn^o Pickering
ensigne.
Salem millita-
ry compa^y.

As an addition to the order for the setting the two companyes in Salem, it is hereby ordered, that fuetty seamen & fishermen that liue in lower part of the toune, below the meeting house belonging to Cap^t Price, shall be added to Cap^t John Corwin company, & be henceforth vnder his comnd.

Ans^r to M^r
James Allens
peti^on as to
Nurses farme
bounds.

In answer to the peti^on of M^r James Allen, it is ordered, that M^r Edmund Batter, Cap^t Jn^o Whiple, Cap^t Jonathan Poole, Leif^t Johnson, of Wooborne, & M^r Olliuer Purchis be a committee to vejw & state the bounds of Francis Nurses farme, and settle the difference betweene the sd farme and M^r Endecotts, or any others adjoyning, the petitioner giving in caution for the charge thereof, M^r Batter to appoint time & place of meeting, making returne of what is donne therein.

Ans^r to Nath
Homes peti-
oⁿ.

In ans^r to the peti^on of Nathaniel Homes, the Court judgeth it meet to grant the peti^on, i. e., that the relict of John Homes, now the wife of Obediah Homes, be impowred to make deeds of sale of hir p^{te} in that estate.

[*197.]

Ans^r to M^{rs}
Hanifords pe-
ti^on.

*In answer to the peti^on of Abigaile Hanniford, & on consideration of the papers she presented to this Court, it is ordered, that it be referred to the County Court of Suffolke to permitt & empower the peti^oner for the sale of the house & lands mentioned, or what part of the estate they shall see meet, for the payment of the proportion of estate due to Dells children, & other necessitjes of the widdow to be disposed of according to the discretion of the said County Court.

Ans^r to W^m
Towers peti^on.

In ans^r to the peti^on of Willjam Towers, the Court judgeth it meet to referr the peti^oner for issue of this case to a course of law in our Courts of judicature.

1678.

7 October.

Ans^r to Mary
Crawfoot peti-
tion.

In answer to the petiçon of Mary Crawfoot, late wife & relict of Joseph Crawfoot, of Springfield, humbly desiring that shee may be enabled to make & receive firme deeds of sale in way of exchange wth Major Jn^o Pinchon & Henry Chapin, both bargained & sold by hir late husband, as above, for lands of them, the Court grants hir request, & enables hir accordingly.

M^r Humphry Davy is appointed captaine to that company whereof Cap^t Thō Clarke, deceased, was late captaine of.

M^r Davy cap-
taine.

It is ordered, that Samuel Gardiner, Juñ, of Salem, officiate as ensigne to Cap^t Price his company till the Court take further order.

Samuel Gardi-
ner ensigne to
Cap^t Price his
company.

In answer to the motion of Edward Rice, of Marlborow, being imprest to goe wth the warrants to Springfield & those parts, hauing binn out sixe dayes, himself & horse, & made returne for y^e electing of a Deputy Gof, &c, the Court judgeth it meete that the Tresurer pay him forty shillings out of Marlborow rate, or thirty shilling in or as mony.

Edw^d Rice 40^s
or 30^s, &c.

In answer to the petition of Jn^o Clary, Señ, father to Jn^o Clary, Juñ, & his attorney, it is ordered, that the comittee of militia of Water Toun satisfie & pay him for his sonns horse, three pounds, according to law; and also that the country Tresurer pay him twenty shillings for improoving of him in the countrys service.

Ans^r to John
Clarys petition.

In the case now depending betweene Hudson Leueret & Sampson Shoare, pl^{ffs}, by petition, against Phillip Bullis, deffendant, in an action trjed at the Court of Assistants in March last, touching a house & land, as in the judgment of that Court doth more fully appeare, the Court, on a full hearing of the case, and all evidences therein, together wth the allegations of both partjes, doe finde, viz^t, the confirmation of the judgment of the Court of Assistants in the case, & costs of Courts, & for hearing of the case five pounds, w^{ch} five pounds was remitted by the whole Court.

Courts judgm^t
in y^e case of
Hudson Leuer-
et, Sampson
Shoare, pl^t, ag
Phillip Bullis.

*In the case now in Court, touching Hugh March, & Dorcas, his wife, the Court, vpon what they haue heard alleadged by them both in the case, and duely considered thereof, doe judge that the sajd March ought to take the sajd Dorcas, & reteyne hir as a wife, and to observe & fullfill the marriage couenant according to his engagement.

[*198.]

Courts judg-
ment in Hugh
March & his
wiues case.

The Courts of Essex, wanting a supply of magistrates for theire County Courts, this Court doeth order, that M^r John Woodbridge, of Newbury, & M^r W^m Broune, Señ, of Salem, be associates of the Courts for the remainder of this yeare, & sitt & assist in sajd Courts accordingly.

Essex associ-
ates, M^r
Broune, &c.

M^r Francis Hooke, Cap^t Frost, & Leiftenñt Alcock are comiissionated wth magistratticall power in the county of Yorkshire, seuerally, to punish

Kittery associ-
ates, M^r
Hooke, &c.

1678.

7 October.

Ans^r to Jn^o
Blajno petiçion.

criminall offenders, joyning of persons in marriage, taking of oathes, & ending smale cases, as any one magistrate may doe.

In ans^r to the petition of Jn^o Blano, it is ordered, that Capt^x Bratle, Cap^t Wayte, & Leiften^{nt} W^m Johnson make dilligent enquiry into the ground of his complaint, & make returne of what they finde therein to the next Court of Ellection, and that then all partjes concerned are to attend the issue.

Ans^r to Edw^d
Wests petiçion.

In ans^r to the petiçion of Edward West, of & for Sherborne inhabitants, the Court judgeth it meet to grant the petiçioners freedome from one single rate in a yeare during the terme of three yeares now next coming, provided they be suppljed wth an able minister there.

Time for cases
to be heard.

It is ordered, that all cases appointed to be heard at this Court be respited till the sixteenth instant, at nine of the clocke, at w^{ch} time all persons concerned in particullar, or toune cases, are to take notice hereof, and to attend their concernes.

Ans^r to Rich^d
Russ petiçion.

In ans^r to the petition of Richard Russ, of Weymouth, a wounded souldjer, humbly desiring this Courts favour as to grant & order that he be repayd the sume of forty shillings, which he payd for his cure, the Court judgeth it meet to grant his request, & orders the Tresurer to pay him forty shillings in or as money out of Weymouth rate.

Mr Tho. Layton
impowred to
marry, &c.
Tho. Wights
remitted.

Mr Thomas Layton, of Lyn, is impowred to joyne such persons in marriage as doe live, one or both, in that toune, being legally published.

In ans^r to the petition of Th^o Wight, of Meadfeild, the Court judgeth it meet to grant his request, (being reduc^d to great necessity by y^e Indian enemy,) j. e., abatem^t of his rates, amounting to three or fouer pounds.

[* 199.]

Ans^r to Cap^t
Hinchmans
petiçion.

*In answer to the petition of Cap^t Thomas Hinchman, the Court judgeth it meete to order, that the petiçioner be sattisfied his accompt of disbursments, amounting to eighty three pounds tenn shillings, in land, and that Cap^t Bradstreet, Leff^t Danforth, & M^r John Flynt are hereby ordered & appointed as a comittee to consider of a convenient place in some Indian land neere adjacent, and also how much land may satisfy such a debt, and that they make returne thereof to the next Court of Election.

Mr W^m Broune
Jun. cap^t of a
troope of horse,
Jn^o Putman his
leiften^{nt}.

In ans^r to the petition of severall inhabitants of Salem, presented to the Court by Major Gennerall Dennison, the Court, on pervsall thereof, judge meet to appoint M^r W^m Broune, Jun^r, to be capitaine to the troop of horse in Salem, & John Putman to be his leiften^{nt}, & order the same to be a distinct troop of horse, as formerly.

Daniel Pearse
cap^t.

And that Daniel Pearse be capitaine to the floote company in Newbery.

It is ordered, that Ensigne John Cutler be, and heereby is, appointed 1678.
leiftenñt to the millitary company of Charls Toune.

In ans^r to the petiçõn of Caleb Seavor, if it be so y^t Sarah Wilson, widow, acknowledgeth as exprest in the petiçõn, the Court judgeth it meete to grant the petiçõn, & sajd Sarah Wilson is impowred to give deed of sale of sajd halfe ðt of land to Caleb Seavor.

7 October.
Jn^s Cutler lef^t
of Charls
Toune compar.
Ans^r to Caleb
Seaver petiçõn.

It is ordered, that the Tresurer dischargd the bill of M^r W^m Kent, given in by him 9th instant October, in mony, fower pounds.

4th to M^r W^m
Kent.

Leiftenñt Phillip Smith is appointed leiftenñt to the troope of horse, of Hampshire, vnder the comãd of Majo^r John Pynchon and Joseph Parsons, Señ, to be cornet to the sajd troope, and Ensigne Joseph Kellog leiftenñt for ye foote company in Hadley.

Phillip Smith
lef^t, Joseph
Parsons cor-
net to y^e troop
in Hampshire.
Joseph Kelog
leif^t.
Ans^r to George
Mountjoys pe-
tiçõ.

In ans^r to the petition of Georg Munjoy, humbly desiring what the Court sees meet to allow him for his paines, &c, laying out the easterne bounds, it is ordered, that the Tresurer pay him the sũme of fwe pounds out of the rates in the county of Yorke.

In ans^r to the petition of Rebeccah Hawkins, the Court judgeth it meet to referr the ans^r of this petiçõn to the next County Court in Boston.

Ans^r to Rebec-
kah Hawkins
petiçõn.

In ans^r to the petition of Thomas Parkes, in behalfe of his sonne, John Parke, the wounded man, the Courte judgeth it meet to grant the sajd John Parks eight pounds to what already hath bin granted.

Ans^r to Thom-
as Parks peti-
çõn.

In ans^r to the petition of the selectmen of Milton relating to the charge of Daniel Dyke, a wounded souldier, &c, the Court sees no cause to grant their request in sajd petition.

Ans^r to Milton
selectmcns pe-
tiçõn.

*In ans^r to the petition of James Hudson, & Mary, his wife, declaring to this Covrt that M^r Brayden & they being agreed in the acõn refferring to ffencing a parcell of land vpon Long Island, provided wee tooke out the papers, wth the whole action, refferring to this case, now in Genñll Court, humbly desiring this Courts favour to grant an order to the secretary to giue out to yo^r petitioners all those papers referring to the sajd action, & the former order of this Court relating therevnto be made null, that so no more trouble may arise therevpon, the Court judgeth it meete to grant this petiçõn.

[*200.]
Ans^r to James
& Mary Hud-
sons petition
as to y^eir land
at Long Island.

The Court judgeth it matter of incumbancy to take care for an honno^{ble} & decent interment of y^e late Deputy Goũno^r, & doe hereby order, that the country Treasurer forthwith deliuer the sum of twenty pounds, in money or such other pay as may be necessary for such an end, to M^r Daniel Epps, Senio^r, to be as an addition to what shallbe expended by his relations on that account.

Dep^t Goũn^s
Symonds in-
term^t.

1678.

October.

Courts judgm^s
in Wenham's
case, Bevely &
village, &
Wenham.

This Court, being sencible of a difference between Wenham & Beuerly and the village, relating to a diuissionall line betweene them, as to a suiteable accomodation in way of proportion betweene each place, doe appointe and impower Cap^t John Wayte, Leif^t W^m Johnson, Cap^t Jonathan Poole, & M^r Richard Hubbard to joyne wth three others that Salem shall choose, who are hereby required to make choyce of three able men of their oune toune to joyne wth the aboue named, as a comittee on the place, and are hereby impowred fully to settle the diuisionall l^{ne} betweene Wenham, Beuerly, & the village aforesajd, and also to consider and finally to conclude the matter in controuersy betweene Salem & Beuerly, relating to an addition of land out of Salem; and what the majo^r parte of the persons aboue mentioned shall agree vpon shall be a fynall issue of these matters, who are to make returne of what they doe to the next Genn^l Court. Cap^t Jn^o Wayte to appoint time & place. The charges to be borne by Salem, Wenham, & the village, in æquall proportions.

Wenham's dis-
chargd from
contribution,
&c.

In ans^r to the peti^on of Th^o Fiske & Charles Gott, in behalf of Wenham, the Court grants that the toune of Wenham be discharged from that subscription as to y^e colledge, for the reasons therein exprest.

Wenham's cau-
tion returnd.

The Court judgeth it meete to remitt the charges of this Court to the toune of Wenham, & ordered the money deposited to be returned to them.

Ans^r to M^r
Rebeckah
Bulkley, &c.

In ans^r to the petition or request of M^{rs} Rebecka Bulkeley, the Court judgeth it meet, & the Tresurer is heereby ordered to make full payment to the peti^oner of the hundred pounds granted to hir, wthout deducting of the two and twenty pounds ten shilling therein mentioned. And, as a further ans^r, it is ordered, that intimation may be giuen to his majesty that his fauour is craued for the returne of M^r Bulkley; at least, if his majesty shall not judge it meete to sett both our agents at liberty.

Ans^r to Whit-
man & M^r x
peti^on as to
Palsgrauce Al-
cocks ex-
change.

In ans^r to the petition of Zachariah Whitman, Joshua Lambe, & Jn^o Alcock, children & heires of the estate of the late M^r Jn^o Alcock, phisition, humbly desiring liberty to exchange a parcell of land assigned to their brother, Palsgrauce Alcocks, wth alike quantity & goodnes from Joseph Dudley, Esq^r, the Court grants their peti^on, & allows them liberty for the sajd exchange.

[*201.]

Jackim Reynor
& Job Lanes
peti.

*In answer to the petition of Jackim Reyno^r, of Rouley, only sonne of y^e late M^r John Reyno^r, Señ, of Douer, as also of Job Lane, of Billirrica, in right of his wife, both are refferd to the next Geñ Court.

Courts resolue
inter Cap^t Olli-
uer & y^e toune
of Lynne.

In the case of Cap^t James Olliuer & the toune of Lynn, resolued by the whole Court, that each person, Cap^t Olliver, &c, and the toune of Lynn haue

their entry moneys againe out of each Court, or the Tresurers thereof, and that they beare theire oune charges, being at liberty to beginn de novo.

1678.

October.

Courts resolve
as to Goſnors
Andros letter.

On perusal of Goſnor S^r Edmund Andros last letter to the comiſſioners for the United Colonies, bearing date [^], by the whole Court mett together, it was voted, that the matter conteyned therein be left to our comiſſioners to effect it, and send some meet persons, as Major Pynchon for one, wth meete Indians, as they judge best.

In ans^r to the petiçon of M^r John Gifford, it is ordered, that the petiçoner haue a hearing of his case at the next Gennerall Court on the fiuth day of the second weekes sitting, and, in the meane time, execution is suspended, prouided that sufficient caution be giuen to respond the Courts judgm^t in the case, and in so doing the petitioner to be set at large, the secretary to take the security, & give warrant for his release.

Ans^r to M^r
John Giffords
petiçon.

In ans^r to the petition of the remayning inhabitants of Deerefeild, the Court judgeth it meete to referr the petiçoners to the proprieto^rs for the attayning of their interest, so farr as they shall judge necessary, leauing the matter wth the comiſtee to regulat; improovements & charges to be levyed there vpon, as they shall judge legall & meete, for the encouraging the rebuilding of that plantation.

Ans^r to Deere-
feild inhabit-
ants petiçio.

The Court hauing ordered warrants to issue out to the seuerall ffreemen of y^e seuerall townes to send in their proxies or voate for the ellecting of a Deputy Goſnor, in y^e steed & place of the late honno^red Dep^{ty} Goſnor, together wth adition of magistrates, &c, suiteable to our necessary station, this 21 October the seuerall townes made their returnes, & being opened, it appeared that Symon Bradstreet, Esquire, was chosen Deputy Goſnor for this remayning pt of y^e yeare, —

21 October.
Order sent out
for choice of a
Dep^t Gou. &
new magis^{tr}.
Symon Brad-
street, Esq^r,
Dep^t Gou.

And Captaine Nathaniel Saltonstall was chosen an Assistant, & both were published accordingly. It was ordered by the whole Court, that the secretary send for Cap^t Saltonstall, acquainting him wth his choice, & the Courts desire of his presenc, to take his oath.

Nath. Salton-
stall, Esq^r, As-
sistant.

*Voted, by the whole Court, that the case relating to M^{rs} Winsley & Samuel DAVIS, & his late wife, is referred to the next Gennerall Court of Ellection, and all persons concerned to remajne in the same state as they are in now [^] reference thereto.

[*202.]

The wo^rsh^p^l Major Jⁿ Pinchon tooke y^e oath of allegiance in open Court; so did the seuerall deputjes now mett in the Gennerall Court.

1679. **Att a Gennerall Court for Elections, held at Boston, 28th May, 1679.*

28 May.

[*203.]

SYMON BRADSTREET, Esq^r, was chosen Goũno^r for the yeare ensewing, & tooke his oath in Court.

Thomas Danforth, Esq^r, was chosen Dep^t Goũno^r, & tooke his oath 29 May, 1679, & 1 Coĩmissio^r.

Daniel Gookin, Esq^r, was chosen Assistant.

Daniell Dennison, Esq^r, chosen Majo^r Geĩll, & 1st Coĩmisĩ in reserve,

W^m Hawthorn, Esq^r,

Jn^o Pynchon, Esq^r,

Edw^d Tyng, Esq^r,

W^m Stoughton, Esq^r,

Joseph Dudley, Esq^r, & 2^d Coĩmission^r for Vnited Colonyes,

Peter Bulkley, Esq^r,

Nathaniel Saltonstall, Esq^r.

Humphry Davy, Esq^r, & last Coĩmissio^r in reserve, Assistants, & tooke y^{elr} oaths, except M^r Staughton & M^r Bulkley, y^t were absent.

Edward Rawson was chosen Secretary, & tooke his oath.

Cap^t Jn^o Hull was chosen Tresurer, & tooke his oath.

The names of the seuerall deputjes chosen & returnd from the seuerall townes to serve at this Gennerall Court were, —

Cap^t Jn^o Corwin, Cap^t Jn^o Price, for Salem.

Cap^t Lawrenc Hamond, 1 s., M^r James Russell, for Charls Toune.

M^r W^m Sumner, Dorchester.

M^r Anthony Stoddard, Cap^t Jn^o Richards, Boston.

M^r Edward Morrice, Roxbury.

M^r Symon Stone, Water Toune.

Cap^t Rich^d Walker, Lynn.

M^r Edward Oakes, Cambridge.

Majo^r Safĩ Apleton, Cap^t Jn^o Whiple, Ipsuich.

M^r Nicholas Noyse, Newbery, 1 s.

M^r Samuel White, Weymouth.

Cap^t Joshua Hubbard, Hingham.

Cap^t Thō Brattle, Left Jn^o Flint, Concord.

For Rowley: M^r Jn^o Peirson.

Dedham: Cap^t Daniel Fisher.
 Wooborn: Lef^t W^m Johnson.
 Hampton: M^r Samuel Dalton.
 Hauerill: M^r Henry Palmer, 1 s.
 Maulden: Cap^t John Wayte.
 Beverly: M^r John Dodge.
 Kittery: Maj^r Rich^d Waldron.
 Douer: Lef^t Peeter Coffyn, 1 s.
 Portsmouth: M^r Richd Martyn.
 Wenham: M^r Thō Fiske.
 Yorke: M^r Edw^d Rishworth.
 Northampton: M^r John King, 1 s.
 Hadley: M^r Peeter Tylton, 1 s.
 Sudbury: M^r Peeter Noyce, before Rouley.
 Braintry: M^r Samuell Tompson, before Woo^b.

1679.

28 May.

Majo^r Richd Waldron was chosen Speaker for y^e session.

*Whereas there is an abusive & euil practise taken up in seuerall places of this colony, vpon trayning dayes, more publicke or private, & other publicke conuentions of people vpon ciuil occasions, diuers persons taking liberty to bring into the feild, & other places neere such concourse of people, considerable quantijes of wine, strong liquo^rs, cider, & other inebriating drinckes, hauing no licence so to doe, whereby many people, both English & Indians, that come to such meetings, aswell as souldjers, comitt many disorders of drunkenness, fighting, neglect of duty, &c, for prevention whereof it is ordered by this Court and the authority thereof, that henceforth no person whatsoever shall presume to bring into the feild and sell by retayle vpon such occasions any wine, strong liquor, cider, or any other inebriating drinckes, excepting beere of a penny a quart, vnless he or they so doing haue license from the hands of two magistrates, or the cheife military officer or officers in the feild, vpon penalty of forfeiting all such strong drinke, and paying a fine of fīue pounds, one halfe to the informer, & the other halfe to the county Treasury; and it is further ordered, that the constables of the tōune where such meeting is ordered & required, wth a meete company to guard him, shall, by warrant from the cheife officer, seize vpon all strong liquo^rs, wine, cidar, or other strong drinke, and dispose of the same as the law directs.

It is ordered by this Court & the authority thereof, for the easement of the country, that the ordinary traynings of foote & horse be reduced to fower

[*204.]

Order phibbit-
ing retayling
strongdrinckes
at traynings.

4 trayning
dayes only, vn-
less, &c.

1679.

28 May.

dayes in the yeare, any law, vsage, or custome to the contrary notwithstanding, vnless the comission officers of each company in euery toune respectiue shall draw forth & exercise their companies after the fower days trayning injoynd are expired, one or two dayes more yearly, according as they shall see cause, to w^{ch} end they are hereby allowed & impowred.

Order about
bricke making,
&c.

It is ordered by this Court & authority thereof, that clay to make bricks shallbe digged before the 1st of November, & turned ouer in the moneth of February & March ensuing, a moneth before it is wrought, and that no person temper their bricks wth salt water or brackish, and that the size of bricks be nine inches long, two & one quarter inches thicke, & fower & a halfe inches broad, and that all moulds vsed for making bricke be made according to these sizes, & well shod wth iron, & what person or persons soeuer shall make bricks in any respect contrary to this order, in the seuerall particulars of it, shall forfeite the one halfe of such bricks to the vse of the treasury of the toune where they are made.

Encouragem^t
to fishing
trade.

It is ordered by this Court & authority thereof, that all fishermen that are ship^t vpon a winter & spring voyage shall duely attend the same, according to custome or agreement wth respect to time; and all fishermen that are ship^t vpon a fishing voyage fbr the whole summer shall not presume to breake off from sajd voyage before the last of *October wthout consent of the onor^e, master, & shoaremen, vpon the pœnalty of paying all da[m]ages.

[*205.]

Addition to
military lawes
as to penalty
for absenc at
traynings.

As an addition to the former law, tī Military, it is ordered by this Court & the authority thereof, that euery foote souldjer that is a delinquent on a trayning day shall pay for each dayes delinquency fiue shillings in money, or tenn shillings p day in good merchantable comoditjes or grajne, as the country rates are payd, to be levyed by the clarke of each company as the law directs.

Law at^a booke
debts repealed.

Vpon complaint of sundry inconueniencjes & pjudice arising by the law entituled Debts by Booke, if put in execution, wth law, vpon sundry petitions, hath, from time to time, been suspended, & now againe, by longer experience, found to be very detrimentall, this Court, on consideration hereof & what else is presented, see cause to repeale the same, & by the authority thereof it is hereby repealed to all intents & purposes.

Quest. about a
toune power
resolved.

Whether, if a toune see good to implead any person in a course of law, and make their voate to that end, & choose their attorney, it be not sufficient legall attorneyship & to be allowed in Court, the sajd attorney bringing a reccord of the sajd order or choice, signed by the hand of the recorder of the toune, though there be no seale, as in other letters of attorney.

This question is resolved by the Court on the affirmative.

Whereas complaints are made to this Court that seuerall foot companjes are discouraged & weakned by frequent lysting their best souldjers into troopes, whereby the infantry (reputed the cheife strength of the militia in any country) are like to be very feeble, and this erro^r arises from the misconstruing of a law directing the lysting of troopers, which saith that no person shall lyst vnless he pay for one hundred pounds estate in a single country rate, & otheruise well quallified; but the practise is different from the law (as is conceived) for constables giving cirtificates that such a person payes in a single country rate eight shillings & fower pence, including therein heads of persons: vpon this cirtificate the captaine of the troope lysts the person certified, & so it is apphended the law is not attended; for pvention whereof it is ordered, that no constable shall giue cirtificat to any person desiring to list a trooper vnless the said person pay, bona fide, in a single country rate, for one hundred pounds estate, wthout respect to poll money; and also, no such foote souldier shall lyst in any troope vnless he haue a cirtificate from the major^r of the regiment, vnder his hand, that he is a fitt person, & hath obteyned the consent of the comission officers of the foote company wherevnto he belongs, or the major part of them.

1679.

28 May.
Order regulat-
ing the lysting
of troop's.

*Forasmuch as it hath too often hapned, that, through differences arising in seuerall townes on other pretences, there hath been attempts by some persons to erect new meeting houses, although on pretence of the publick worship of God on the Lords dayes, yet thereby laying a foundation (if not for schisme and seduction to erro^r & hæresies) for perpetuating diuissions & weakning such places where they dwell in the comfortable support of the ministry orderly settled amongst them, for prevention whereof for the future, it is ordered by this Court and the authority thereof, that no persons whatsoever, wthout the consent of the freemen of the town where they liue first orderly had & obteyned at a publick meeting assembled for that end, and licence of the County Court, or, in defect of such consent & license, by the speciall order of the Gennerall Court, shall erect or make vse of any house as aboue said; and in case any person or persons shall be conuicted of transgressing this lawe, euery such house or houses wherein such persons shall so meet more then three times, with the land whereon such house or houses stand, and all private wayes leading thereto, shall be forfeited to the vse of the county, and disposed of by the county Treasurer by sale or demollishing, as the Court that gaue judgment in the case shall order.

[*206.]

Law as to
erecting of
new meeting
houses wthout
consent of free-
men of y^e
towne, County
Court, or Gen^l
Court, &c.

For the greater comfort & safety of all people who are intended to resettle the villages deserted in the late warr, or the planting any new plantation wthin this jurisdiction, it is ordered & enacted by this Court & the authority thereof,

Order directing
to y^e settlement
of frontier
townes or new
plantations,
&c.

1679.

28 May.

that no deserted toune or new plantation shallbe inhabited vntill the people first make applycation vnto the Gouverno^r & council, or to the County Courts wthin whose jurisdiction such plantation is; and the council or County Court are heereby ordered & impowred to appoint an able & discreet comitte^e at the charge of the people intending to plant, wth comitte^e are ordered & impowred to vejw & consider the place or places to be settled, and giue directions and orders in writing, vnder their hands, in what forme, way, & manner such toune shallbe settled and erected, wherein they are required to haue a principall respect to neerenes & conveniency of habitation for security against ennemyes, and more comfort for Xtian comunion, and enjoyment of Gods worship, & education of children in schooles, & civility, wth other good ends. And all such planters are heerby enjoyned to attend and put in practise such orders and directions as shallbe given by such comitte^e, vpon the pœnalty of one hundred pounds fine to the country, to be inflicted vpon them by order of the council or County Courts, for their neglect or refusall to attend this order.

[*207.]

Law abt^s cus-
toms

*For the bettering of the income to the country by excise & customes for the future, —

Imp^r 1. It is ordered, that no licence be granted to any person to keepe ordinary, retajle wine, beere, cidar, perry, mum, ale, brandy, ru^me, or any other liquo^rs, by greater or lesser quantities, wthin doores or wthout, till bond be given to observe the lawes referring to this matter, nor renewed vntill a noate be produced, vnder the hand of the collector or collecto^rs, that he is satisfied his just dues.

2. That one or more meete persons be added to the collecto^rs for the well mannaging that affajre, as the council shall order.

3. That the collecto^rs be impowred to appoint meet persons to informe of all such as shall retajle wine or other liquo^r wthout license; and the informer to haue one halfe of the pœnalty for his recompence.

4. That no agreement be made wth licensed persons wthout the joint concurance of both the collecto^rs.

5. That licenses be granted & renewed in the seuerall countyes only in y^e^{ear} spring Courts.

6. That abatement of the impost vpon ru^me be made of tenn shillings p hogshead, and that two pence be added by the quart vpon all strong liquo^rs that is retayled by less quantitjes then tenn gallons at one tyme.

7. That all goods landed, & not entred wth the collecto^rs, shallbe put into a warehouse, & secured by them vntill the owno^rs appeare & make entry thereof, & pay dutjes, according to law; and if the master of the vessell to

whome freight is due see cause to haue a locke vpon the warehouse for securing the goods & freight aswell as the collecto^{rs}, he may. 1679.

28 May.

8. That a convenient number of wharfes for landing of goods be allowed in all seaport townes, and all others prohibited, vpon a severe pænalty, vnless licensed by the collecto^{rs}.

9. That the collecto^{rs} & all other persons employed about the customes be vnder oath for a faithfull dischardge of their trust.

10. That all abuses & contempts offered by any person or persons to the collectors, or any employed by them, either on board any vessells, or ashoare, shall be heard & determined by any one magistrate or comissioner, and punished by fine, stocks, imprisonment, or binding ouer to the next County Court, according to the circumstances in the case.

11. That henceforth no more then the law affords, viz^t, two shillings p pound, be allowed to the collectors, M^r John Hubbard being added to y^e p^sent collectors, prouided the two persons aboue agree together to proceed; otherwise it is left to the council to make such order & conclusion therein as they judge best conducing to the publick bennefit. This to continue for one yeare.

Vpon serious consideration of p^sent circumstances relating to military affaires among^e vs, & how necessary it is that the lawes in those respects be put in due execution, it is ordered, that the majo^r gen^l doe, wth all convenient speede, send out his orders to the majo^rs of the regiments, & by them to the comittees of militia of the seuerall townes in this jurisdiction, that they doe forthwith inspect the same, & enquire whither there be that provision of powder & affinition for toun stocks as the law prouides, & make their returne to y^e major gennerall wth all expedition, that townes defective may be proceeded with according to law, & care taken for supply; & that the comānders in cheife of each company be likewise ordered & quickned to their duty respecting the prouission of armes & affinition of their souldiers & inhabitants of the townes, as the law requires.

Major gen. to
send out his
warr^{ts} as to
arms & am-
munition, &c.

*In ans^r to a motion made by some of the reuerend elders, that there might be a conuening of the elders & messengers of the churches in forme of a synod, for the reuisall of the platforme of discipline agreed vpon by the churches, 1647, and what else may appeare necessary for the preventing schismes, hæresies, prophanness, & the establishment of the churches in one faith & order of the gospell, this Court doe approoue of the sajd motion, & order their assembling for the ends aforesajd on the second Wednesday in September next, at Boston; and the secretary is required seasonably to give notice hereof to the seuerall churches.

[*208.]

Courts ans^r to
elders mo^on
for a synod.

1679.

28 May.

Courts allow-
ance of 100th to-
wards y^e late
Gov. Lefferts
internment.

It is further ordered, that the charges of this meeting shall be borne by the churches respectively.

Quæstī 1. What are the euills that haue provoked the Lord to bring his judgments on New England ?

2 Quæstī. What is to be donn that so those euills may be reformed ?

Vpon a motion made for the allowanc of something considerable out of the country treasury towards the interment of the late honno^{ble} Gou^{no}r, Jn^o Leueret, Esq^r, the Court judgeth it meet to allow his excecatrix, in ans^r to that motion, the some of one hundred pounds, to be paid by the Treasurer of the country in money, as was granted in October Court following. Attested by M^r Jos Dudley.

Know all men by these presents, that we, Old Nequanit, Robin, called Old Robin, Benjamin Wuttanamit, James, called Great James, John Nasquamit, Sarah, the widdow of Peeter Naskonit, in behalfe of hir child, Moses David, next heire to my father, and to my vnckle, Josiah Harding, deceased, wthout issue, Assoaske, the widdow of Josiah Nowel, in behalfe of my children, Sarah Conomog, sole excecatrix to my late husband, Oonomog, Elisabeth, the only daughter & heire of Solomon, deceased, James Speene, in behalfe of my wife, being all of us true proprieto^rs, possesso^rs, & improvers of the Indian lands called Whip Sufferage, alias Okonkonomesit, adjoining to Marlborough, in the colony of Massachusetts in New England, for diuers considerations us therevnto mooving, especially the loue & duty wee owe vnto our honored magistrate, Daniel Gookin, of Cambridge, Esq^r, who hath been a ruler to us aboue twenty yeares, doe hereby freely and absolutely giue, grant, & confirme vnto him, the sajd Daniel Gookin, Esq^r, & his heires, for euer, one parcell of land, heretofore broken vp & being planted by vs and our predecesso^rs, called by the name of Okonkonomesit Hill, scittuate, lying, & being & on the south end of our towneship and plantation neare Marlborough, conteyning about one hundred acres, more or lesse, bounded on the east, south, & west wth lands & high wayes belonging to the English of Marlborough, and on the north wth lands belonging to our towneship or plantation, & highwayes betweene the sajd hill & our other lands, together with twenty acres of meadow land lying wthin our towneship, tenn *acres whereof (which he shall choose) ljetth in a meadow called Fort Meadow, and the other tenn acres in a meadow called Long Meadow, (which he shall choose,) to be measured & set out to him and his heires by an able surveyo^r. Moreouer, wee freely giue to him & his heires, for euer, free liberty of comonage for wood, timber, feeding of his catle vpon any comon lands wthin our towneship or plantation, to haue & to hould, occupy, possesse, & enjoy

[*209.]

all the fore mentioned lands, meadowes, & priuiledges, & appurtenances therevnto in any wise belonging & apperteyning, viz^t, all planting lands, wood lands, stones, springes, water course, aple trees, or other fruit trees thereon planted, or any other matter or thing aboue mentioned therevnto belonging, wth free egresse & regresse to & from the same, to him, the sajd Daniel Gookin, Esq^r, & his heires, foreuermore. And further, that wee haue due right & priuiledge in lawe to giue & grant the forementioned premisses, not only as it is our naturall right & possession according to Gods word and the lawes of y^e land, but as it is confirmed to us by grant from the Gennerall Court of Massachusets in New England; and wee doe hereby further warrantize this our deede of guift to be good & valid in lawe from us, or any of our heires, execcuto^{rs}, or assignes, for euer, or from any person clayming any right, title, or interest from or by ary other person clayming right from, by, or vnder us, or any of our heires, for euermore; and the fore recited lands & appurtenances are to be held, injoyed, & possessed by him, the sajd Daniel Gookin, & his heires, for euer, from and after the date hereof, wthout any molestation, disturbance, denjall, or ejection of us, or any of us, or any of our heires or assignes, for euermore. In witnes of the trueth hereof wee haue herevnto set our hands & scales, the second day of May, 1677.

1679.

28 May.

Signed, sealed, & deliued
in presence of us,
John Eliot,
Noah Wiswall,
Joshua **qr** Woods,
Waban, **x** his marke,
Piambow, **v** his marke,
Joseph Wheeler.

BENJAMIN **B** WITTANAMIT, & seale,
ELISABETH ^{hir mrk} **** SOLOMON, & a seale,
ASSOASK **u**, she for hir child, hir
husband consenting, & a seale,
Signum **CO** MARY DAVID, in behalfe
of hir sonne Moses, & a seale,
Signum JOHN A NASKONIT, & a seale,
Sigm SARAH **O** NAASKOMIT,
& a seale,

^{his m^rke,}
NAUSQUANIT, **~** & a seale,
Signed OLD **u** ROBIN, & a seale,
NEMAPANET,
GREAT JAMES, alias **z**,
METANANAMIT, & a seale,
JAME SPEENE, & a seale.

Endors^d.

Benjamin Tawattanamit, Great James, aljas Wittanawanit, 12 (9.) 77, Old

1679.

28 May.

Robin, alias Nemapanit, James Speene, Asoas, Elisabet Solomon, & Sarah Naskamit, 21 (9,) 77, Mary David, & Ju^o Naskonit doe freely acknowledged this instrument to be their act & deed, they well & truely vnderstanding the contents therof.

Before mee, THOMAS DANFORTH, Assistant.

Entred & recorded in the register at Cambridge, lib. 6, page 165, 6, 7, 12: 11th, 1677,

By THOMAS DANFORTH, R.

[*210.]

Indians deed of
guift to Major
Gookin con-
firmed.

*The deed of guift & grant on the other side being signed, sealed, acknowledged, & recorded in the county of Middlesex, made from the Indians, late inhabitants & proprietors of the Indian plantation, called Whip Sufferage, alias Konkonomesit, neare Marlborough, in the county aforesajd, in the colony of Massachusetts, in the county aforesajd, in New England, vnto Daniel Gookin, of Cambridge, in the county aforesajd, Esq^r, and to his heires for euer, is confirmed by the authority of this Court, together with all the appurtenances & priuiledges therein expressed, vnto the sajd Daniel Gookin, his heires, executors, and assignes, for euer.

By the Court. EDW^d RAWSON, Secre^t.

Mr Stoughton
& Mr Bulkley
our hono^ded
messengers al-
lowanc of 60^s
a peece in
money.
Ans^r to M^{rs}
Reynors peti-
tion.

This Court, considering the great sufferings of our messengers, by their long stay in England, judg meet to allow them sixty pounds apeece, to be pd them in mony by the Tresurer, tow^{ds} the supply of their families in their absence.

In ans^r to the peti^{on} of M^{rs} Francis Reynor, the Court judgeth it meete to grant hir peti^{on} in the seuerall parts thereof, provided that the sale of lands doe not infringe the just right of any heir or other to whom they may be entayled; and doe further order, that the select men of Douer doe take effectuall care to setle the accompts betweene the inhabitants of sajd toune and M^{rs} Reynor, administratrix to the estate of the deceased M^r John Reynor, relating to his sallery, and the payment of such arreares as are yet vnpayd, & that this be donn at or before the last day of September next.

Order for pur-
chasing 50 or
60 barrells of
powder.

The Court, being informed of a present oppertunity to furnish & supply the country stocke wth powder, judge it meet to order, that the Tresurer of the country provide full & meet satisfaction for fuety or sixty barrells of good powder, to be presently bought by the survejo^r gennerall, & preserved for the countryes vse.

The com^{it}tee appointed by the hono^rd Gennerall Court, October 2^d, 1678,

to settle the bounds of a farme lying in Salem, conteyning three hundred acres, apperteyning to the Refind Mr James Allin, of Boston, (commonly called Bishops Farme,) meeting together at Salem the second time, (having first rejevied the land,) heard all controuersies concerning the same, and tried the bounds (that were shewed by both partjes) by a surveyor, for a finall conclusion in reference to the settlement of the sajd bounds, they did agree as followeth, viz^t: that begining at a maple, old marked, in Mjery Swampe, (vpon the southwest of the land,) from thence runing to the black oake (old markt) vpon the Gouverno's plajne, & continuing the same lñe vntill yow come (in a square) as farr eastward as the hemlock, by the old sawmill; then from this corner, made as aforesajd, to the aforesajd hemlock; then from the sajd hemlocke, the brooke in that place (according to the runn of the water in it) shallbe the bounds, vntill yow come as farr westward as the cratch in the brooke, i. e., where two brookes issue *into one, then to runne sixe poles due north; from thence westward, in a direct lñe, to take Bishops old orchard & house place; from thence still westward, to a great poplar; and what shallbe now a wanting of three hundred acres shallbe made vp at the end of this land, continuing each side so as to leaue the west end nere a square; also, they order the surveyor, Jonathan Danforth, to perfect the sajd bounds according to this order, and returne a true plat & reccord of the same to the sajd comittee.

Salem, given vnder our hands, 7 10 m̃, 1678.

EDMOND BATTER,
OLLIUER PURCHIS,
WILLJAM JOHNSON,
JOHN WHIPLE,
JOHNATHAN POOLE.

This Court approves of the returne of the comittee as to this settlement, as aboue written.

EDW^D RAWSON, Secreř.

A plat of this farme, vnder Jonathan Danforths hand, y^e survejor, is given in, & left on file.

As attests,

EDW^D RAWSON, Secreř.

The Treasurer of the country, not being able to dischargde the country debts for wants of money in the Tresury, this Court, the better to enable him therevnto, doth grant a country levy of fower single rates, to be payd by each

1679.

28 May.
Comittees re-
turne of Mr
James Allens
farme.

[*211.]

Courts allow-
anç thereof.

A levy of
fower country
rates & prises,
&c.

1679.

28 May.

towne & person in corne, according to the prises set last October, and to be payd in to the Tresurer at Boston by the last of August next, provided, if any shall pay money, such town or person shall pay but halfe the summe, viz^t, only two single rates, each town to pay according to the last yeares lyst deliud to the Tresurer, and proportion'd among the inhabitants according to their present estates, by the select men, on receipt of the Tresurers warrant.

Vpon enquiry into the state & condition of the Castle & fortifications in & about the townes of Boston, the committee finds the Castle & batterye in competent repaire, saue that something is needfull to be donn to the platforme. The batterye platforme is wholly to doe, only timber is on the place; and five of the lower platformes, to say for gunns, there are twenty three mounted aboue in the Castle, & seven below in the batterye; and that there are five smale gunns wanting to cleare the curtains aboue. There is 570 of shott, wth other implements. Pouder is wanting.

To the garrison there are fower men, besids the captaine & gunner.

The lodgings & pouder roome wthin the Castle want flooring; locks, &c, wanting.

Courts letter to Gentⁿ: —
our agents.

[*212.]

Your seuerrall letters to the late honnourable Governo^r, (whom God hath in his holy, though very afflictive, prouidence removed from us,) and others to whom yow haue written, haue binn communicated to vs, wherein wee were assured, as wee alwayes *beleiued, of your most serious & intense care for the countrjes service, and the most speedy dispatch of our labouring interest vnder your manngement, though wee cannot but deeply be sencible of the darke dispensations of God in the so many and long continued delayes and frustrations of our hopes of yo^r returne, yet, attributing it not to any deffect of your endeavo^r, but to our oune evill deserving in Gods sight, that such delayes may procure in us a deeper sence of our dependance vpon himself, and to cause us to put our trust in him, the issue will be happy, as sometimes to Israell, when all other sorrowes were to humble them, and proove them, and doe them good in their latter end.

What yow intimate referring to supply of moneys, wee haue treated the Treasurer thereabouts, and he informes that the remayning two hundred pounds, for which your oune bonds were given, he supposeth will be supplied before these come to hand, he hauing taken speciall order in that case; and what is necessary for your oune further expence, your bills, wth advance, shall be complied wth heere.

Wee haue not to add to your instructions for yo^r mannagement or

defence, not being able at such a distance, and before hand, to take such measures as may accomodate your answers to what may be demanded or vrged, only in gennerrall that yow doe not further engage the country, or suffer the entanglement or p̄judice to the eastern tounes by any answers made, but that the fayrest, after trjall, maybe allowed them, (if such an affliction must happen.) Wee are impatient of your returne, & help here, & labo^r dayly wth God for yo^r coming to us, from whom only wee hope for such a mercy. Wee doe not enlarge, hoping these may finde yow remooved from yo^r lodgings & coming towards us, & vnderstanding your families to be in health, from whom yow will haue account of yo^r particular concernes. Wth our kind loues to yow both, comēding yow to Gods rich preseruing grace & mercy, remajne

Yo^r very louing frinds,

The Gennerrall Court of y^e Massachusets.

& signed, by their order,

EDW^d RAWSON, Secre^r.

Boston, May the 18th, 1679.

1679.

28 May.

*Vpon the serious consideration of those sad & solemne dispensations of the Most High towards his poore people inhabiting this wilderness, still calling vs vnto deepe humilljations, & more then ordinary supplications before the Lord our God, in that his anger is not turned away, but his hand is stretched out still ouer some of our tounes, in respect of that mortall & contagious disease, wherewth sundry places haue been sorely vissited, (albeit the Lord hath binn intreated to send forth his word, & heale in a gracious measure, which mercy wee doe desire that it may melt & humble us,) and the Lord hath of late made awfull breaches, both vpon the comōn wealth & vpon the churches, by taking away many shephards & principall men from us. It is also, as yet, a day of doubtfull expectation wth us respecting matters of the greatest concernments; and, aboue all, wee haue reason to put our mouths in the dust, vnder a deepe & humbling sence of our manifold sins & great vnreformedness, notwthstanding the voyce of God in the mouth of his servants, & notwthstanding judgments vpon our land, yea, & eminent deliuerances w^{ch} the Lord hath wrought for us, after wee haue cryed vnto him to arise & saue us. Being likewise sencible that it is the day of Jacobs trouble in other parts of the world, especially that darke clouds are impending ouer the English nation, & some of the Lords servants there, who did often, by fasting & prayer, seeke vnto the Lord for us, when bleeding vnder our late distresses, doe now call vpon us to doe the like for them. Vpon these & the like considerations, this Court doth appoint the second Thursday of July to be kept as a day of pub-

[*213.]

Order for a day
of humiliation
2^d Thursday in
July.

1679.

28 May.

licke humilliation, wth fasting & prayer, throughout this colony, and all the inhabitants thereof are heereby required to forbear servile labour vpon that day, & earnestly exhorted to confesse, & turne from all transgression, & to entreate the Lord for his merces sake in Christ Jesus, yet to oune us for his people, continuing our libertjes, civil & sacred, and, in his good time, to returne our agents, & saue his deare people in the land of our fathers sepulchers, that it maybe sajd to this day, 'In the mount of the Lord it shall be seene,' as also to pray that the blessing of Heauen may be vpon & the Lords gracious presence wth the synod that is ere long to conuene in Boston, that the Lord himselſe præsideng therein, the issue of that solemne vndertaking may be glory to his oune great name, reformation, & salvation to this his people.

Ans^r to Mary
Coopers peti-
cion, &c.

In ans^r to the petiçon of Mary Cooper, in behalfe of hirselſe and Elisabeth Cooper, excecutrixe of the last will & testament of Josiah Cooper, late of Boston, humbly desiring the favo^r that they may be enabled to sell all or part of the sajd house & land for the payment of the legacies & just debts, & that the remainder may be settled, oñ halfe on the petiçoner, sajd Elisabeth, & the other halfe on yo^r petiçoner & hir child, the Court judgeth meete to grant the petiçoners request, i. e., power to sell the house, or part of it, wth the lands it adjoynes, for the ends aforesajd.

[*214.]

Ans^r to Cap^t
Claps peti. as
to beginn^g of
his money pay.

*In ans^r to the question proposed by Cap^t Roger Clap in his petition, & as an explanation of the order of Court made in October last as to the cap^{tn} & his mens sallery, the Court resolues, & here declares & orders, that the Tresurer make payment to the sajd captaine in manner & forme as in sajd order is exprest, & to begin and take place from the begining of his yeare preceding his moçon in October last.

Ans^r to W^m
Hollowells pe-
tiçon, &c.

In ans^r to the petiçon of W^m Holowell, Benjamin Holowell, & Edward Ashley, the Court doe judge & declare, that the petiçoners, if they haue any wrong donn them, they may proceed in a course of law for obteyning their right against the execcuto^{rs}.

Ans. to Jn^s
Man, W^m
Hoare, &c., ba-
kers peti.

In ans^r to the petiçon of John Man, Thō Skinner, W^m Hoare, and George Dauson, loafe bread bakers, &c, in Boston, it is ordered, that M^r Anthony Stoddard, Cap^t John Richards, Cap^t Thomas Brattle, & Cap^t Lawrence Hamond be a comittee to consider & make an experiment, whither the prizes of wheate & assizes of bread stated in the law be not such as the bakers may liue by, and that they make a returne of their proceedings therein to the sessions of this Court in October next, the charge of the comittee to be borne by the bakers.

Ans^r to Benj.
Briscoes peti-
cion.

In ans^r to the petiçon of Benjamin Brisco, the Court judgeth it meete to refer the petiçoner to the County Court to abate or wholly remitt his fine, as

they shall see cause, as also in refference to further licensing him, to act further therein as they see meet.

1679.

28 May.

Order about y^e
countrys seale,
skrw, & patent.
To ly wth y^e
present Gov.

It hauing pleased the only wise God to remoove by death our late honoured Goūno^r, who, as wee are informed, was at considerable charge for procuring a new seale, which is vsed wth a skřw, much more convenient then the hand seale, it is therefore ordered by this Court, that the Treasurer of the country doe treat wth & purchase of the excecatrix of sajd late Gouverno^r the sajd seale & skrew, and deliuer the same to our present honored Goūno^r, and also receive of the sajd excecatrix the old seale, together wth a duplicate of our patent lying now in her hand, w^{ch} seale, duplicate, & skřw henceforward shall remajne in the Goūno^rs hand, for time being, for the vse of the country.

In ans^r to the petition of James Blake, humbly craving the favour of this Court, that he, hauing agreed wth the late John Holdbrooke, of Roxbury, to exchange some lands wth him for mutual benefit, & signed his deed, but sajd Holdbrooke dying quickly before he signed his deed to yo^r petiçōner, humbly desireth that Elisabeth Holdbrooke, his widdow & administratrix of y^e ād Jn^o Holdbrooke, may be allowed & impowred to passe deeds accordingly, the Court judgeth it meet to grant this petiçōn.

Ans^r to James
Blake petiçōn.

*Whereas the honoured Gennerall Court, at their sessions, October 2, 1678, did appoint vs, whose names are vnderwritten, a cōmittee in refference to a difference betweene Wenham, Beuerly, & Village, relating to a diuissionall lñe betweene them, as to a suiteable accomodation in way of proportion betweene each place, & empowred fully to settle the diuicōnall lñes betweene them, and also finally to settle the matter in controũsy betweene Salem & Beverly relateing to an addition of land out of Salem, in obedience wherevnto wee did repajre vnto the sajd places on the eleventh of November ensuing, & vejwed the same; and fully heard the seuerall pleas, & allegations, & euidences of all the partjes concerned; and seene Salems grant of towneship & bounds to Beuerly to be from the east side of Bass Ryuer to Wenham lñe at a pine stump by a swamp runing out of Laurenc Leaches meadow, and so to Manchester lñe, but doe not say to what part of the sajd lñe, —

[*215.]

Courts judg-
ment inter
Beverly &
Wenham.

And considering the selectmen of Salems answer to the inhabitants of Wenhams petition for to declare their minds concerning a diuissionall lñe betweene Beverly & them, and the sajd selectmen expressing themselues that, considering Wenham is the auntients towne, they desire the lñe betweene Wenham & Beuerly may be settled in favour to Wenham, Beuerly hauing a farr more larger accomodation in proportion then Wenham, and finding that Salem & Wenham were both agreed of their lñe from the aforesajd pine

1679.

28 May.

stumpe to a white oake tree, marked, & standing on Alford's Hill, nere the Great Pond, and was owned by both parties, & stones laid to the said pine stumpe & trees, — upon due & serious consideration of the premises, we have determined for a full settlement of the said diuisional lines as followeth: namely, that the bound lines betweene Wenham & Beverly shall be from the aforesaid pine stumpe by the swamp running from Lawrence Leaches meadow, as the line was formerly stated & agreed on, to the marked white oake on Alford's Hill, nere the Great Pond; and from the said white oake, the line to runn straight to Manchester line to the fowerth part of the said line, from the white oake tree, marked, at the east end of the Pleasant Pond to the head of Chubb's Creeke; allways provided, that the meadowes within said line belonging to Beverly, from Longham bridge eastward shall remaine to Beuerly, and also that Wenham's sixe hundred acres of land granted to them by Salem formerly, [*216.] be made good to them. *And in reference to the bounds line betweene Wenham & the villag, we have concluded & determined that the line shall runn from the abovesaid pine stumpe, by the swampe running from Lawrence Leaches meadow, on a west line, to Topsfield line. And as for the matter in controuersy betweene Salem & Beverly relating to an addition of land from Salem, we see not reason to grant it, Beverly hauing farr more large accomodation in way of proportion then the other places. Witnes our hands.

JOHN WAYTE,
JOHN CORUIN,
WILLIAM JOHNSON,
JONATHAN POOLE,
RICHARD HUBBARD,
JOHN PUTMAN.

The Court approves of this returne: th

Courts judgment
in Quilter's
case.

In answer to the petition of Francis Quilter, widow, & relict of Marke Quilter, deceased, craving the Courts favour for a settlement of the estate of the deceased, the Court, hauing heard & considered of what hath binne allegeded in the case by all persons concerned, doe finde that the said Quilter died intestate, and that the pretended will presented to this Court ought to be accounted null & voyd, and doe therefore judge meete that the petitioner shall haue the vse of the whole estate during hir life, and afterwards the one halfe to be disposed of as shee sees good, and the other halfe to the relations of hir deceased husband, to be ordered & regulated in the dispose of the same as the County Court of Ipswich shall see meete; & hir bill of costs was granted

hir, which was fowerteen pounds eighteen shillings & eleven pence, wth she was ordered to pay; & Joseph Quilter had his bill of costs of forty seven shillings allowed him.

1679.

28 May.

In ans^r to the petition of the inhabitants of Chebacho, W^m Cogswell, Sen, Rob^t Crosse, Sen, Willjam Story, &c, vpon a full hearing of the Chebacho case, the Court judge the petitioners of Chebacho haue offended the council, in going expresly contrary to their aduise, in erecting a meeting house, which they order them imediately to acknowledge, & humble themselves for; as also wherein they haue justly offended the officers & church of Ipsuich, wee order them seriously to apply themselves to the church for reconcilliation, which being donn, doe grant them liberty to procure a minister, to be helpfull to them in the worke of the ministry, provided he be pious, able, & orthodox, as the law directs, wth the aduise of the following comitteee, i. e., Joseph Dudley, Esq^r, Major Richard Waldron, M^r Anthony Stoddard, M^r Henry Bartholmew, & Leiff W^m Johnson, who are appointed to be a comitteee for that affaire, and are desired to meete on the place, at the petiçoners charge, & request, and to heare their allegations, & the allegations of some deputed by the toun of Ipsuich, referring to the accomodations of others of their inhabitants, and fynally to determine the place of erecting a meeting house, *that may be most accomodable for them, and all cases depending in Courts referring to this matter doe cease, & the Chebacho men are to pay tenn pounds for this Courts costs. As an addition or explanation of the order to Chebacho men, it is hereby ordered, that such of them as are delinquents in erecting a meeting house there, contrary to the aduice & prohibition of the council, and are sumoned to Salem Court, to ans^r their said contempt, doe there make their acknowledgm^{ts} in these words, viz^t, that they are convinced that they haue offended in so doing, for which they are sorry, and pray it may be forgiven them, and so to be dismissed wthout any further trouble, charge, or attendance in that respect, or further attendance on the council for that their offence.

Courts judgm^t
in Chebacho
case.

[*217.]

In the case betwene John Gifford, by his petiçôn, plaintiff, against Thomas Walter, attorney of John Wright, Esq^r, defendant, heretofore tried in Ipsuich Court, —

Courts judg-
ment in Gif-
fords case.

This Court, hauing heard the pleas of both partjes, and finding that the rise of the action was grounded vpon the coppie of a bond, the originall whereof doth yet remajne in England, vncancelled, doe reverse the judgment of Ipsuich Court, and doe order, that the body of the said Gifford, & his estate, seized or secured by virtue of execution granted vpon the said judgment, be released, and by the marshall that seized the same said estate to be deliuered to the said Gifford, and the said Thomas Walter to pay vnto the

1679.

28 May.

Associates for
Douer & Ports-
mouth.

Person in ma-
jestratticall
authority in
Douer & Ports-
mouth.

Person alike
impowred for
Yorks.

Associat for
Yorks.

Associats for
Norfolk.

M^r Jⁿ Wood-
bridg, M^r Dal-
ton, & Cap^t
Gilman commiss-
si.

Comissioners
for Essex.

M^r Solo. Stod-
dards 20th al-
lowed to be p^d
by y^e Tresurer.

Province of
Mayne not to
be sold till fur-
ther orders.

Comitte for
releife of
wounded soul-
djers, time of
their meeting.

sajd Gifford the costs of Ipsuich Court, and the sajd Gifford to pay the costs of this Court; fue pounds for y^e Courts hearing the case was remitted to him.

Majo^r Robert Pyke, Majo^r Richard Waldron, M^r Richard Martyn, & Cap^t Thomas Daniel are chosen by y^e county, & allowed of by this Court, to be associates for the county of Dover & Portsmouth for the yeare ensuing.

Majo^r Richard Waldron, M^r Richard Martyn, & Cap^t Elias Styleman are appointed & hereby invested with magistraticall power in the county of Douer & Portsmouth, as formerly, for y^e yeare ensuing.

Majo^r Richard Waldron & M^r Francis Hooke are appointed by this Court & hereby invested wth magistraticall authority for the county of York-shire for the yeare ensuing.

M^r Edw^d Rishworth, Cap^t John Wincoll, M^r Samuel Wheelwright, & Cap^t Joshua Scottow, being nominated for associats for the county of York-shire, were allowed of by this Court for the yeare ensuing.

Majo^r Robert Pyke, Cap^t Thomas Bradbury, M^r Samuel Dalton, & Cap^t John Gilman were nominated to, & by this Court allowed & impowred, to be associates for the county of Norfolk for y^e yeare ensuing.

M^r Jⁿ Woodbridg for Newbery, M^r Samuel Dalton for Hampton, & Cap^t Jⁿ Gilman for Exiter, their comissions for magistratticall authority is hereby renewed for the yeare ensuing.

*M^r John Woodbridge, of Newbery, & M^r W^m Broune, of Salem, are ap-
pointed & impowred associats for the county of Essex for the yeare ensuing.

It is ordered, that the Tresurer make payment of twenty pounds to Solomon Stoddard, due to him, provided it appeare in the gennerall accounts of the county, & that it be then taken of the gennerall account.

Leif^t W^m Clarke, M^r Peeter Tilton, M^r Samuel Smith, M^r Joseph Pyn-
chon, otheruise M^r John Holljocke, being nominated, are allowed & appointed associates for the county of Hampshire.

This Court hauing, in October sessions last, passed a vote empowring our hoñored Go^uno^r & council to improove or dispose of the Province of Majne, by sale or otheruise, for reimbursing what money was layd out in England for purchase thereof, on further consideration, doe see cause to recall the sajd vote, & declare they judge meete to keepe the sajd prouince in the countrys hand, according to contract made by our comissioners, vntill this Court take further order therein.

Vpon complaint & petition of some men wounded in the late warr, who mooue for releife, this Court, in consideration thereof, doe order the persons now petitioning, & all other persons that haue like cause, to repaire to the comitte appointed by the Gennerall Court for releife of such persons; M^r

John Richards being now added to the said committee, and that the said committee meete from tyme to tyme on the second Twesday in September, & the second Tuesday in March in Boston toune house.

1679.

28 May.

Vpon information that the battery at Charls Toune is like to be rendered vscless by the adjoyning wharfes & buildings thereabouts, which will be great disseruice to the country, it is ordered, that Major Gookin, Mr Stoddard, Cap^t Richards, & Cap^t Brattle be a committee of this Court to repaire thither, & veiw the same, & call all parties before them, & make report to the next session of this Court what they finde therein.

Committee about
Charls Toune
battery.

To make yir
report to the
next session.

Layd out to Mr Roger Conant, of Beverly, alias Basse Riuer, one parcell of land in the wilderness, on the eastern side of Merrimack Riuer, two hundred acres of land, be it more or lesse, lying adjoyning to Mr Webbs five hundred acres, and begins at a great pine tree, marked wth E, w^{ch} is the N.W. corner of Mr Edw^d Tyngs farme, and from this pine it runns eighty three degrees and a halfe westward from the north, one hundred and thirty pole, which reacheth to Beavar Brooke; and frō the first pine it runns eleven degrees westward from the south, two hundred and fiety pole; from thence it runns eighty fower *degrees & a halfe westward from the south, one hundred and thirty two pole; the last line is parralel to the second lne, and closeth to Beavar Brooke; the lnes are all rvnne, and seuerall trees bounded wth, & the rest well marked; it ljeth in the forme of a long square. Lajd out by Jonathan Danforth, surveyor, 22 (3 ^m) 1674.

Mr Conants
farme layd out.

[*219.]

The Court approves of this returne.

Articles of agreement betweene Daniel Morse, Señ, Thomas Eames, Henry Leland, & Obadiah Morse, in the behalfe of the toune of Sherborne, on the one party, and Waban, Pyambow, Thomas Tray, rulers, and John Awooseamoge, Señ, Peter Ephraim, and Daniel, on behalfe of the toune of Naticke, on the other party, had, made, concluded, & agreed vpon this sixteenth day of Aprill, 1679:—

Sherborne &
Natick ex-
chang of lands.

1. Whereas it hath pleased the Gennerall Court, by their order bearing date May the twelfth, 1675, to give leane to the people of Sherborne to purchase, by way of exchange, from the people of Naticke a quantity of land belonging to Naticke, for the furtherance & promoting of Sherborne plantation.

2. The people of Sherborne aboue named, in behalfe of the rest, do desire about fower thousand acres, as it is plotted, described, & bounded, on the north east wth Naticke, on the south east, south west, & west wth Sherbourne, on the west & north west wth a farme belonging to Mr Danforth.

1679.

28 May.

3. In compensation for the same, they agree to give, by way of exchange, the like quantity of land, bee it fower thousand acres, more or lesse, ljing and being adjoyning to Mahugkoog, Indian Hill, which land was granted vnto Sherborne by the Gennerall Court of the Massachusets. Moreouer, they doe promise and couenant to pay vnto the persons aboue named, their heires or assignes, the full and just quantity of two hundred bushells of Indian grajne, to be pajd one halfe in hand, or at demand, and the other halfe the last of March next. Moreouer, they are willing that Peeter Ephrajm doe enjoy the land he hath broken vp wthin that tract of land they are to haue of Naticke, at a place called Brush Hill, and to add therevnto more, as may make the lott twelue acres, wth an æquall proportion of medow, to enjoy to him, the sajd Peeter Ephraim, and his heires, & assignes foreuer, but to be vnder the gouernment of the towneship of Sherborne, as the English are.

4. Also, wee agree & consent that one the lands wee are to haue of Naticke there be a lott of forty acres set out where the comissioners of the colonjes, Major Gookin, & M^r Elljot, and Indian rulers, shall choose wthin that tract of land, to be appropriated foreuer to the vse of a ffree schoole, for teaching *the English & Indian children there the English tongue & other sciences.

[*220.]

5. And lastly, the people of Naticke aboue named, in behalfe of the rest, doe agree & grant vnto the sajd toune and inhabitants of Sherborne all the parcell of land aboue mentioned, wth all the woods, water courses, priuiledges, and appurtenances thereof absolutely and freely foreuer, providedd wee are to receive the like quantity of lands, woods, water courses, priuiledges and appurtenances thereof neere Magungecoog before mentioned, and the two hundred bushell of corne, &c, freely & absolutely to vs & our heires foreuer; and both partjes doe promise and ingage themselues each to other to give & passe deeds of sale, fully & amply, for the premisses, in time convenient and at demand. In witnes whereof, the partjes aboue mentioned haue to this present writting and agreement set our hands the 16th of Aprill, 1679.

Signed & deliuered in
presence of —
Daniel Gookin, Señ,
Nathaniel Gookin,
Edw West.

DANIEL MORSE,
THOMAS ^{Sigām} T E EAMES,
HENRY ^{Sigām} H L LEYLAND,
OBADIAH MORSE,
Sigām X WABAN,
Sigām O PIAMBOW,
Sigām \ THOMAS TRAY,
DANIEL,
PETER be EPHRAJM,
his m'ke.

That this is a true copie of the originall writing in my keeping, by consent of partjes, as neare as I can truly examined, being something enterljined & blurd, is attested by me.

1679.

28 May.

DANIEL GOOKIN, Secñ, Assistant.

May the 24th, 1679.

In answer to a motion made in behalfe of Sherborne inhabitants, this Court doe rattefy & allow of the exchainge of lands made as aboue sajd.

30. 3. 79.

Courts confirmation.

EDW^d RAWSON, Secç.

Wee, whose names are subscribed, being appointed by the Gennerall Court to consider the case referring to the petition of Sherborne, viz^t, about exchainge of lands wth the Indians, and other things conteyned in that petition, in pursuite whereof, & obedience wherevnto, being desired by Sherborne the 1st of the third m^o, 1677, where wee expected Majo^r Gookin and M^r Elljot, wth some Indians; but wayting some time, only two Indians came, wth a paper from M^r Elljot, by which wee vnderstood nothing was like to be donn; but taking notice of the order referring to the perfecting the plantation, wee finde there is but litle or no country land neare the place where they intend to sett their meeting house; that if any other inhabitants come amongst them, if they grant no less then ten acres before any be granted to farmes, then, considering the trouble of the farmes, and their charges, that when a gennerall divission be made, all shall haue æquall diuission as the Court order directs. Secondly, as to the farmes adjacent, wee conceive all those in Meadfeild bounds that were granted by this Covrt, and received nothing from Meadfeild, shall be accounted and liable to all charges, and take vp priuiledge *in Sherborne; those in Natick bounds, all the petitioners lands shall be accounted inhabitants in Sherborne; and all other farmes that are nighest Sherborne meeting house shallbe likewise in the bounds of Sherborne, and doe duty and receive priuiledg therein; but wee doubt whither they be like to be a toune, if some considerable tract of land be not procured from the Indians, either by exchange or purchase, or both.

Comittees retorne at Sherborne.

[*221.]

Your hono's humble servants,

22 3, 1677.

DANIELL FISHER,
RICHARD ELLICE,
THOMAS THIRSTON.

May 30, (79) The Court approoves of this returne, provided allwayes that the tract of wast lands scittuate & lying indifferently accomodable for

1679. Sudbury & Marlborough, as well as Sherborne, and are now belonging to Thomas Danforth, Esq^r, Dep^t Go^v, be excepted.

30 May.
Courts confir-
mation of Tho.
Eames land
exchangd wth
y^e Indians.

It being propounded by Thomas Eames in Court, at Nonantun, 24th Jan^y, 1676, to haue a parcell of land now belonging to Naticke, that is encom- passed by the lands of M^r Thomas Danforth, Goodman Death, & John Stone, on three parts, the Indians consent that in exchange of land betweene Sher- borne & Naticke, this parcell desired by Goodman Eames shallbe included in that land that Sherborne men haue in exchainge from Naticke. This is a true copie of what was recorded in the matter at that time.

As attests

DANIEL GOOKIN, Sec^y.

This is a true copie compared wth its originall, presented to the Gennerall Court, May 23, 1677, & is on file.

As attests

EDWARD RAWSON, Secre^t.

En^t lib: 6, page 150, 9, (11,) 77, by TH^o DANFORTH, R^e.

In ans^r to a motion made by Th^o Eames, this Court doth allow & con- firme the exchange & grant made of the lands wthin mentioned.

ED: RAWSON, Secre^t.

Ans^r to M^r
James Russells
peti^{on} ab^t y^e
dry dock.

To wth 30
yeares privileg
is granted &
immunity from
rates, &c.

[*222.]

Addition to y^e
law, title Firing
Woods, &c.,
p. 51.

In answer to the petition of James Russell, John Heyman, John Phillips, & Samuel Ballat, in the behalfe of themselves & their copartners in the dry docke at Charls Toune, craving the Courts favour, that whereas they haue, by encouragement from this Court, been at great charge ffor the making of a dry docke in Charls Toune, aforesajd, the Court judgeth it that the sajd dry docke shallbe rate free from all country rates for the space of thirty yeares next coming; and doe further order & grant, that no other dry docke shallbe made wthin this jurisdiction during the terme of thirty yeares, as abouesajd, by any other person or persons whatsoever, prouided they keepe the sajd docke in good repaire, fitt for service during the sajd terme.

*Whereas this Court is informed that great damage hath hapned to seuerall persons in the outskirt plantations by Indians kindling fires in the woods in the latter part of the^e yeare, whereby great quantites of hay stackt vp in the meadows haue been consumed, for prevention wherof for time to come, and as an addition to the law, title Firing & Burning, page 51, in the last booke of lawes, wherein the time of kindling fires in woods & grounds lying in com^{on}, &c, is limited, this Court doth order and declare, that all Indians are included in the sajd lawe, as well as

the English; and it is further ordered by this Court, that all those persons that, by this Court or the council, are impowred to inspect & gouerne the Indians called Freind Indians doe forthwith publish & declare this order to them, that they may vnderstand they not observing said law are liable to the penalty thereto annex.

1679.

30 May.

It is ordered by this Court, that the County Court next to be held at Douer doe take effectuall care for the levying of the publique rates payable & due from the inhabitants of that Court, as well those on the Isle of Shoales as elsewhere, that so the dues belonging to those that haue donn service in the late warr, & disbursed their estates for the publicke, may be payd as in equity wee are bound.

Order for Douer Court to see y^r arrears as to rates payd, &c.

Whereas seuerall of the inhabitants of Marlborough haue made their applications & complaints to authority, earnestly entreating helpe for their settlement in their ciuil affayres & diuissions of lands, greiuous dissensions threatening their ruine, w^{ch} to prevent it is ordered, that Thomas Danforth, Esq^r, Dep^t Gov^r, & Joseph Dudley, Esq^r, Cap^t Lawnce Hamond, Cap^t Daniell Fisher, & Cap^t Thomas Brattle shallbe & heereby are appointed a comittee vpon the place to heare the complaints of the inhabitants of Marlborow, & finally & authoritatively to determine & setle all matters in difference amongst them, and make report thereof to the Court, & that they also determine & order the settlement & revniting of the toune.

Marlborough comittee.

In ans^r to the petiçon of the inhabitants of the Great Island, on Piscataqua Riuer, humbly desiring the favor of this Court that they may be a toune amongst themselues, &c, the Court judgeth it meete that the petiçoners make an orderly application to the toune of Portsmouth for their consent, and in case there be not a mutuall concurrence, the petiçoners may make the returne thereof to the next sessions of this Court.

Ans^r to y^e inhabitants of Great Islands petiçio.

In ans^r to the petiçon of M^r George Carr, humbly desiring the fauour of this Court to passe their order to the Tresurer for the payment of the ballance of his accompt due to him, the Court, by their comittee who had the examination of it, finds that he hath had his due, so farr as the law for regulation of disbursments doth allow.

Ans^r to M^r Carrs petiçon.

*In ans^r to the petiçon of John Mun, of Westfeild, desiring this Court to grant him payment here at Boston by the Tresurer of what is due to him on the last account sent in from Westfeild, being the sume of seven pounds sixe shillings, & one halfe of the sd sume to be payd him by the Tresurer in money, this Court, vpon reasons alleadged in the petition, judge meet to allow the said Mun payment accordingly out of the treasury, the sume being defaulted out of the gennerall account of that toune.

[*223.]

Ans^r to Muns petiçion.

1679.

30 May.

Anst to J^{rs}
Hubbards peti-
tion.

Cap^t Hobbart
to lyst troops
in Hingham,
Weymouth,
Hull.

Anst to Joseph
Kelogs peti-
tion.

Anst to select-
men of Ips-
wich for regu-
lation of Plum
Island, &c.

Anst to Mr
Samuel Whit-
ing, Son, peti.,
600 ac^{rs} gr^{ed}.

Anst to Major
Sauage peti-
con. Case to
be heard 1st
Friday in Oc-
tober sessions.

Anst to Tho.
Tares peti^{on},
a hearing his
case gr^{ed}.

[*224.]

Cap^t Richard
Walker cap^t to
y^r Lynn troop.

Anst to Prisil-
la Leffleur
peti^{on}, y^r 5th
remitted hir.

Anst to Sarah
Hauthorne pe-
tion.

In ans^r to the petition of John Hubbard, of Hadley, the Court judgeth it meet to grant, & doe hereby order the Tresuer to pay the peti^{on}er tenn pounds, i. e., fliue pounds in money, & fliue pounds in other pay as money, vpon the account of wounded men.

In ans^r to the peti^{on} of seuerall inhabitants of Hingham, as W^m Healey, W^m Woodcoke, &c, the Court judgeth it meete to order Cap^t Joshua Hobbart, Señ, of Hingham, to take a lyst of so many as are willing to list in Hingham, Weymouth, & Hull, & present the same to the next session.

In ans^r to the petition of Joseph Kelog, the Court judgeth it meet to order the Tresurer to pay vnto him tenn pounds in good pay, to be deducted out of

In ans^r to the peti^{on} of the selectmen of Ipsuich, relating to Ipsuich & Newbery improovement of Plum I-land, &c, it is ordered, that no horses nor catle be put vpon sd island wthout the consent of the major part of the proprieto^rs of the said island, according to lawe of cornfeilds, vnder the hands of such proprietto^rs.

In ans^r to the peti^{on} of M^r Samuel Whiting, Señ, of Linne, relating to a deed of gift of land from M^r Richard Westland, of Boston, in England, for fuety pounds by him, sd Westland, put into the country stock, &c, the Court judgeth it meet to grant the said M^r Samuell Whiting, Señ, & his heires, sixe hundred acres of land, to be lajd out in any country lands in this jurisdiction.

In ans^r to the peti^{on} of Major Thomas Sauage, the Court judgeth it meete to grant his request, i. e., a hearing of the case mentioned in his peti^{on}, on the first Fryday in the next sessions, at nine of the clocke in the morning, he giving notice to all parties concerned to attend accordingly.

In ans^r to the pe^{on} of Thomas Tare, the Court judgeth it meet to grant the peti^{on}er a hearing of his case at the next sessions in October, in y^e first weeke of that session, & that the peti^{on}er give timely & legall notice to all persons concerned, & in particullar to Cap^t Styleman, clarke of the Court where the action was tryed.

*In ans^r to the peti^{on} of the troopers of the troope at Lynn, the Court, considering of this peti^{on}, doe appoint Cap^t Richard Walker to be capitaine to the troope at Linn.

In ans^r to the petition of Priscilla Leuerdeur, humbly crauing the favour of this Court to remitt hir the remayning part of the forfeiture of hir sonns bond, i. e., fuety pounds, the Court grants hir request in the said petition, that the remayning forfeiture of the bond be remitted her.

In ans^r to the petition of Sarah Hauthorne, relict widdow to Cap^t W^m

Hauthorne, the Court judgeth it meete to grant the petiçõner five pounds in
or as money in full for hir late husbands arrears.

1679.

30 May.
Ans^r to Mr
Perkins peti.,
100 ac.

In ans^r to the petiçõn of Mr W^m Perkins, Señ, the Court judgeth it
meete to grant the petiçõner one hundred acres of land, as an addition to what
formerly was granted, where it is to be hade, provided it be not formerly
granted, nor hindring a plantation.

The Court, having heard & considered of the case presented to this Court by the petition & complaint of the brethren of the church of Rouley, referring to accusations against Mr Samuell Phillips, teacher to the sd church, at the last Court, held at Ipsuich Aprill the first, and have taken due notice of what hath binn lajd to his charge, as also what hath binn alleadged to cleare him from those things which he hath binn accused of, doe reuerse the judgment of Ipsuich Court against the sajd Mr Phillips in the case, and doe judge meete, that those persons who gauc in testimony against him, & were the occasion of his trouble, be admonished by our honno^d Go^vno^r for such their offences, & pay costs of Courts.

Courts judg-
ment in y^e case
of Rowly relat-
ing to Mr Phil-
lips, &c.

And further, as to that case wherein the sajd Mr Phillips & the deacons are charged wth wrong by Mr Phillip Nelson, referring to Mr^s Rogers her estate, the Court found they were innocent in that matter, and doe order, that the paper presented to this Court as Mr^s Rogers her last will shall be annexed to hir will that is vpon file in Ipsuich Court, the sajd Mr Nelson bearing his proportion in costs of Courts, and be also admonished for his vjjust charge by our honored Gouerno^r.

Mr Phillips dis-
charge from y^e
injury he was
accused of by
Mr Nelson, &c.

In ans^r to the petiçõn of the foote company at Marblehead, humbly de- siring this Courts favo^r to appoint Leif^t Samuell Ward to be their capitaine, the Court judgeth it meet to appoint sajd Leftenñt Samuel Ward to be cap- taine of sajd company, & order he have co^mission accordingly.

Sam^l Ward
cap^t at Marble-
head.

*It is ordered, that Jeremy Swajne be capitaine of the foote company in Redding, instead of the late Capitaine Jonathan Poole, deceased, & that he have his co^mission accordingly. [*225.]

Jer. Swayne
cap^t of Red-
ding compa.

Richard Kettle is appointed ensigne to the ffoote company at Charls Towne. The Court, being informed that John Pickering, of Salem, refuseth the place of ensigne, on a motion made, the Court appoints Nathaniel Felton to be ensigne to Cap^t Coruins compāy.

Sarj^t Ri. Kettle
ensign to
Charls T.,
Nath. Felton
ensig. to y^e
ffoot company
of Cap^t Cor-
wins.

It is ordered, that Timothy Nash be ensigne to the ffoot company at Hadley in Hampshire.

Timo. Nash
ensign to Had-
ley compa.

In observance of an order of the honord council, March 4th, 1679, the farme of Mr^s Parnell Nowell & of Mr Samuel Nowell, lying on the north of

Mr^s Nowells
farme lajd out,
1000.

1679.

30 May.

Douer bounds, were surveyed & well bounded as followeth: M^{rs} Parnell Nowell hir farme is bounded by Douer l^jne on the south fower hundred fuety & sixe pole; by Chochecho Riuer, west, three hundred seuenty sixe pole perpendicular; by the wilderness, north, fower hundred fuety & sixe pole, which l^jne rvns north fuety fower degrees eastward, being a parralel line to Douer l^jne; bounded on the east by hir son, M^r Samuel Nowell, three hundred seventy six pole, w^{ch} dividing line from Douer bounds runns north twenty fower degrees westward. The most northerly corner is a great pine, maked wth N. The most southerly bounds is a pine neare Chochecho Riuer, marked N. D. The west corner is a pine by the riuer side, marked N. The east corner is a great clapboard tree, marked N. D. This conteynes one thousand acres, all well bounded by marked trees.

Mr Sam. Now-
ells farme,
1000.

Also, M^r Samuel Nowell his farme, conteyning one thousand acres, is bounded by Douer l^jne southward two miles long, the l^jne runing south fuety fower degrees, westward by Negewonicke Riuer, on the east halfe a mile by his mother, M^{rs} Parnell Nowell, her farme, on the west side three hundred seventy six poles; the dividing l^jne betweene them rvns N. twenty fower degrees west, bovnded by wildernes land, northward one hundred eighty six pole, and by M^r Rauson his farme sixty two pole on the north east, w^{ch} came to the most southerly corner of M^r Rausons farme to a blacke oake marked wth B., and from the blacke oake it rvns in a direct line to Negewomick Riuer, as aforesajd; the most southerly corner is a great claboard tree marked S. N.; the west corner is a great pine, marked N, which pine stands about twenty pole westward of Shohomogocks Hill; the most northerly bounds is a red oake, marked N, which joyneth it to M^r Rausons l^jne, on the west side of his farme; all which was surveyed and well bounded 3: 2 n, 1679.

By us, JONOTHON DANFORTH, Surveyo^r,
JOHN EVENS.

A true platforme of the same is affixed to this schedule, & is on file.

The Court approoves of this returne, as attests

E. R., S.

[*226.]

Ans^r to Jn^o
Blany & Ralph
Kings peti-
cions, a hearing
grted in Octob.
next.
Ans^r to Men-
dons petiçon.

*In ans^r to the petiçons of Jn^o Blayno, & also of Ralph King, the power of the comitte appointed by the Generall Court, October 2^d, 1678, is continued till the next session of this Court in October next, when the Court judgeth it meete to grant a hearing of this case, and all psons concerned are to take notice thereof & attend the issue.

In ans^r to the petiçon of the inhabitants of Mendon, this Court doth

order, that the petiçoners request referring to the levying of publicke charges be in manner as they propound for three yeares next coming, and that all such as clajme interest in any lands there, & doe not improve the same, shall pay towards all charges as though they did inhabit there, & make improvement thereof, in due & full proportion wth those that are resident; & for the like terme, they that doe there inhabit shall be freed for one single rate annually to the country, and all this on condition that they observe the order of such comitte as this Court shall impower. For the ordering the scittuation of their buildings, Joseph Dudley, Esq^r, Cap^t Daniel Fisher, and M^r Thomas Weld are appointed the comitte for that end, and are impowered also to take care that an able minister be settled there in convenient time.

In ans^r to the petiçon of Nathaniel Jacob, who declaring [^] hath new evidence, the Court refers him to a due course of law by revejw, or de novo. Ans^r to Nath. Jacobs peti.

In ans^r to the petition of Mary Willard, relict widow of y^e late Symon Willard, Esq^r, the Court judgeth it meet to grant the petiçoners request, provided that all the lands claymed by the sonn of the petiçoner be reserved, & not disposed of. Ans^r to M^{rs} Mary Willard petiçon.

In ans^r to the petiçon of Edw^d Rishworth, it is ordered, that the Tresurer of the country pay unto the sajd Edward Rishworth the s^ume of twenty pounds sixteen shillings & nine pence in money, w^{ch} is eightene pounds fower shillings nine pence as p execution, & two shillings for the execution, & two pounds ten shillings the marshalls fees for serving the execution at Yorke, wherein there was two journeys for the marshalls deputy, provided M^r Rishworth give his bond to the country Treasurer to repay the same s^ume & specie backe to the Tresurer wthin six months; & the sajd Rishworth shall haue an order from this Court to the Tresurer & inhabitants of Yorkshire to pay the sajd Rishworth twenty povnds sixteen shillings nine pence money. Courts order as to Edw. Rishworths petition.

In ans^r to the petition of Edward Cowell, it is ordered, that the comitte of militia in Boston examine his clajmes, & what they shall finde due to him to passe their certifficats to the Tresurer for the payment [^] of who shall be ordered to pay the same, notwthstanding the accompt was not clerered in time. Ans^r to Edw^d Cowells petiçon.

*In ans^r to the petiçon of M^{rs} Mary Russell, administratrix to hir daughter M^{rs} Prudence Russell, relict of y^e late Cap^t Thomas Russell, the Court judgeth it meet to grant hir request, & accordingly impower hir, wth the advice of the honored Dep^t Gofino^r, Th^o Danforth, Esq^r, M^r James Russell, & M^r Richard Wharton, to make sale of the s^d houses, & wharfes, and lands, the giving bond to respond the orphans estate according to the order of the County Court of Midlesex. [*227.]
Ans^r to M^{rs} Mary Russells peti.

1679.

30 May.
Comitte there
& their power.

1679.

30 May.
Ans^r to Luke
Hitchcocks
peti^on.
Ensigne of
Springfields
place voyd.

Courts act
about shipping.

In ans^r to the petition of Luke Hitchcoke, the Court judgeth it meet to grant the peti^oner tenn pounds, in part to be payd forthwith by the country Treasurer, deducting the same out of Hadley account.

In ans^r to the petition of Benjamin Cooly, ensigne to y^e ffoote company at Springfield, humbly desiring the favour of this Court to lay doune his place, being aged & deafe, the Court grants his request; and when another meet person is presented they will not be wanting to approve thereof.

The Court, by the returne of their comi^ttee, on their enquiry after the observance of the acts of trade & nauigation, doe finde, vpon comparing of said acts of Parl^{am}ent wth our lawes already enacted thereabouts, that due care therein is prouided for the entry & returne of shippes according to the acts of nauigation, and to prevent defects in the due execution & observance thereof, judge it meete that it be referred to the honno^{ble} Gou^r & council to imploy such persons in the se^urall ports as they shall see meet, and take such order as in their wisdome they shall judge necessary, that no fraud nor lapse be comi^tted whereby the country^s credit & peace be endangered, making such addition or alteration of officers fees as shall by them be judged necessary.

Courts act as
to regimenall
tray^{gs}.

Whereas there hath bin a cessation of regimentall traynings for fower yeares past, in which time the regiments of Essex, Hampshire, Suffolke, & Norfolke should haue been draune forth, according to the direction of the law, hereby it comes to passe, that the regiment of Middlesex in course is to be draune forth this yeare, 1679, & Yorkshire next yeare, which two regiments were the last exercised in that way, and hence it doth ffollow that these two regiments will be chardged with double traynings, & the other fower regiments aboue named but single, — the premisses considered, together wth the power, the Court doth order, that there be a cessation of regimentall traynings for two yeares, viz^t, anno 1679, and afterwards the course prescribed by law to take effect and proceed as the law directs; and then in anno 1681, it will fall to the turne of Essex to be draune forth; & so the rest successively according to law.

Corne for coun-
try rates to be
brought into
Charls Tounne
or Cambridg.

In ans^r to a motion made by some of the inhabitants of Middlesex, it is ordered by this Court, that henceforth the country Treasurer doe order those of that county to pay in their corne for country rates into some warehouse in Charls Tounne or Cambridge, where it may be donne with least charge to the publicke.

[*228.]

Ans^r to Groa-
ten peti^on.

*In ans^r to the peti^on of James Parker, in the name of the greater part of the inhabitants of Groaten, it is ordered by this Court, & the authority thereof, that for three yeares next coming in, all levyes made for the benefit of the said place and the maintenance of Gods ordinances there, those that

haue lands there, & are not resident vpon the place, shall pay rates for their lands as those doe that are resident, and the inhabitants there resident be abated one single rate p annū to the country for the like time, prouided that the catle vpon the place be liable to pay rates also.

1679.

30 May.

There hauing binn heretofore a constant allowance made to those that haue binn gennerall surveyors of country armes & amūition, which, since the death of the late & last honored Tresurer, hath binn wholly suspended & omitted, for the better encouragement of him that is at present impowred in that worke, this Court doth order, that the Tresurer of the country forthwith pay, or cause to be paid, vnto the present surveyor the sume of twenty pounds for what is past, and from yeare to yeare to such as shallbe impowred in that worke, fīue pounds p annū.

Mr Antho.
Stoddard, gen^l
surveyors, rec-
ompence 20^{li}
for w^t is past &
5^{li} p^r annū.

In ans^r to the petition of Rob^t Earl, prison keeper, it is ordered, that the County Court of Suffolke do order the repaying of the prison in Boston so farr as there is neede, to make it safe and secure, and that the petiōner may, for the future, haue & receive halfe his sallery in mony, & that the augmenting of his sallery be refferred to the honored councill to doe as they see meete; and for the discharge of all criminall persons it is left as the law doth state it.

Ans^r to Rob^t
Earle prison
keep^rs petiōn.

Complaints being made, that through the misgouernment of the prison in this toune, & the confusion of bridewell wth the prison howse, the execution of justice & restraint of disorderly & rude persons is greatly obstructed, this Court doeth order, that prouission be made that they be in distinct places, at farther distance then now they be one from another, and that M^r Anthony Stoddard, M^r John Richards, & M^r John Joyliffe be a comītee to inspect the present state & condition of the said houses, and to consider of the best manner for the effecting what is meete to be donne therein, and to make returne to this Court; and it is ordered, that the comītee, &c.

Order abt the
prison keep^r &
y^e prison.

*The securing of our originall pattent being matter of great importance, and the former prouission in that respect made in the yeare 1664 being at an end by the decease of most of the persons betrusted in that order, this Court doth therefore order that the patent be forthwth sent for & comītted to our present honord Deputy Gouerno^r, Cap^t John Richards, & Cap^t Daniel Fisher, with Majo^r Thomas Clarke, one of the last comītee who are to take care of the same, to whose wisdom we reffer it, to dispose of it as may best tend to prevent any inconvenience relating therevnto.

[*229.]

Order about y^e
patent.

It is ordered, that the honord Thomas Danforth, Esq^r, Dep^t Gov^r, & Joseph Dudley, Esq^r, Cap^t John Richards, Cap^t Lawrence Hamond, & M^r Stoddard be a comītee to propose to the next sessions of this Court what

Comītee for
advan. of learn-
g^r, collidge &
ministry.

1679.

30 May.

Mr Dudley to
keep Douer
Courts, &c.

they judge most necessary for the advancement of learning & colledge, and due encouragement to the min^{is}try, that there may be a prolonging of Gods special favour to vs in so weighty & necessary concernes to vs and our posterity.

It is ordered, that Joseph Dudley, Esq^r, shall & heereby is impowred to keepe the County Courts at Douer & in Yorkshire for this yeare ensuing, wth the associates there chosen, & that the Tresurer of the country furnish him wth tenn pounds, money; and that the Tresurer of the country send out his warrants to reimburse him wth the seuteen pounds tenn shillings formerly ordered.

Committee about
the loadstone,
&c.

Mr Anthony Stoddard & Cap^t John Richards are appointed to inquire after & secure the loadstone that belongs to the country, & that the late Goūno^r had from y^e late Goūno^r Bellingham, & he had from y^e widdow of the late Goū Endecot.

Tenn pounds
p^d for hearing
y^e case of Sam.
Dauis & M^r
Winsley.

It was resolved, by the whole Court mett together, that M^r John Walley & M^r Thomas Thatcher, as they were suertjes for Samuel Dauis, whose case, by peti^{ti}ōn of M^r Thō Thatcher, Señ, came to this Court, pay tenn pounds, money, for the hearing of the case.

[Blank in the original.]

[*230.]

Ans^r to West-
feild peti^{ti}ōn.

*In ans^r to the petition of the inhabitants of Westfeild, by John Maudesley & Thō Noble in their behalfe, that their toune accounts & covntry chardges lodged wth the Tresurer may be accepted, &c, the Courts cōmittee, discoursing wth Westfeild men & the Tresurer together, signified that the Treasurer appearing sattisfied, & hath accepted their accompts, the Court approoves of the saj^d returne.

Ans^r to Jⁿ
Hawkes peti-
tiōn.

In ans^r to the petition of John Hawkes, of Hadley, the Court judgeth it meet to reffer the peti^{ti}ōner to the councill, to doe therein as in their wisdom they shall see most meet.

Courts order as
to Westfeild
lands, &c.

Whereas the cōmittee appointed by the Gennerall Court, in October, 1677, for new moddelling the dwelling of people in Hampshire, did accordingly order a coming nearer together in some of those townes, & living more compact, for safety & security of the saj^d people, and particularly appoynting a tract of land for the inhabitants of Westfeild, to build on nearer together, at or by their meeting house; and some of the cōmittee aforesaj^d having treated the inhabitants of Westfeild about it, who, by a gennerall vote, consented to the setling thereon; and the proprieto^s of that land also yeilding to breake their home lotts, & forgoe part of their right & interest in them to such other persons as should come & setle on them, they, the present proprieto^s, being allowed for the land they parted with two acres for one out of the

tounes adjacent lands intended for home lotts, or thereabouts, which was accordingly granted by the toun, to encourage the persons to bring in and sett their buildings on those particullar parcells or portions of lands which were sett out & measured to them, being about halfe an acre, or three quarters of an acre to a man, — now, for the full assurance of those portions of land to such persons as haue remooved, or are about remooving, & setling, building thereon, this Court doth order those persons which haue or ought to haue parted with their land, as abovesajd, hauing had or being tendered satisfaction from the towne, as aboue, they shall give deeds, and make legall confirmations of those smale portions of land vnto those persons who, in obedience vnto authority, haue them in actuall possession or in grant in order therevnto.

It is ordered, that the ballance of Hatefeild accounts for the dieting of the sixe garrison souldjers, brought in, & signed by the militia there, Daniel Warner, John Allis, Daniel White, amounting to forty nine pounds sixteene shillings & three pence, be paid by the Treasurē of the country.

1679.

30 May.

**Att a Gennerall Court, held at Boston, 15th of October, 1679.*

[*231.]

15 October.

PRESENT, Symon Bradstreet, Esq̃, Goũ.

Thomas Danforth, Esq̃, Dep^t Goũ.

Daniel Gookin,

Daniel Dennison,

W^m Hathorne,

John Pynchon,

Edward Tyng,

Joseph Dudley,

Nath Saltonstall,

Humphry Daury, Esq̃s.

FOR prevention of the profanation of the Saboath, & disorders on Saturday night, by horses & carts passing late out of y^e toun of Boston, it is ordered & enacted by this Court, that there be a ward, from sun set, on Saturday night, vntill nine of the clocke or after, consisting of one of the select men or constables of Boston, wth two or more meete persons, who shall walke betweene the fortification & the tounes end, and vpon no pretence whatsoever suffer any cart to passe out of the toun after sun sett, nor any ffooteman or horseman, wthout such good account of the necessity of his

1679.

15 October.

buisnes, as may be to their sattisfaction ; and all persons attempting to ride or drive out of toune after sun sett, wthout such reasonable sattisfaction given, shall be apprehended, & brought before authority, to be proceeded against as Saboath breakers ; and all other tounes are impowred to doe the like, as need shallbe.

Order to build
wth bricke or
stone.

This Court, hauing a sence of the great ruines in Boston by fire, and hazard still of the same, by reason of the joyning & neereness of their buildings, for prevention of damage & losse thereby for future, doe order & enact, that henceforth no dwelling house in Boston shallbe erected & sett vp except of stone or bricke, & couered with slate or tyle, on penalty of forfeiting double the value of such buildings, vnless by allowance & liberty obteyned otheruise from the magistrates, comissioners, & selectmen of Boston, or major parte of them. And, further, the selectmen of Boston are hereby impowred to heare and determine all controuersies about proprietjes and rights of any person to build on the land wherein now lately the housing haue been burnt doune, allowing liberty of appeale for any person greived to the County Court.

[*232.]

*Boston, 1679.

It is ordeyred by this Court & the authority thereof, that henceforth the selectmen of each toune take care that tything men be aⁿually chosen in their seuerall precincts of their most prudent & discreet inhabitants, & sworne to the faithfull dischargd of their trust (where no magistrate or comissioners are) before the said selectmen of the place. And the said tything men are required diligently to inspect all houses, licensed or vnlicensed, where they shall haue notice or haue ground to suspect that any person or persons doe spend their tyme or estates, by night or by day, in tipling, gaming, or otheruise vnprofitably, or doe sell by retayle, wthin doores or wthout, strong drinke, wine, ale, cidar, rumn, brandey, perry, matheglin, & wthout license ; and into such houses where such disorders shall by them be found they may & are hereby required & impowred to enter into and make search in their cellars or any other places wthin or about the same where they may suspect or haue notice that wines, strong beere, ale, cidar, perry, matheglin, rumme, brandy, &c, are lodged ; and in case they shall finde any quantites of either, whereof the ouno's doe not give said tything men a sattisfactory account of their hauing the same, any three of them agreeing, they shall, by warrant from any magistrate or comissioner invested with magistraticall power, or where no magistrate is wthin fve miles of the place, they shall, wthout warrant, requiring the ayde of the constable, seize, carry away, & secure all such

wines, strong beere, ale, cider, perry, matheglin, rumn, brandy, &c, and present an account thereof, wth the names of the persons from whom they tooke it, to the next magistrate or the co^mmissioner of the toun, where any be that are invested wth magistratticall power, who may & are heereby impowred to proceede against sajd delinquent partjes, & dispose of sajd wines, strong beere, &c, as. to them shall seem meet; and if for value more then tenn pounds, they are then to bynd the sd partjes ouer to the County Court, to be there proceeded against as the law directs; in all which cases full recompence shall be made to the tything men & other officers for all their care, trouble, & expences in seazing & securing sajd goods; & the remainder of the goods seized, or value thereof, where the magistrate, County Court, or Co^mmission's Court, that haue the orderly cognizance thereof, shall not see reason to returne the same to the partjes from whom it was taken, the same shall be put into the county treasury.

1679.

15 October

*Also, the tythingmen are required diligently to inspect the manners of all disorderly persons, & whereby more private admonitions they will not be reclaymed, they are, from tyme to tyme, to present their names to the next magistrate or co^mmissioner invested wth magistratticall power, who shall proceed against them as the law directs; as also they are, in like manner, to present the names of all single persons that liue from vnder family goverment, stubborn and disorderly children & servants, night walkers, typlers, Saboath breakers, by night or by day, & such as absent themselues from the publicke worship of God on the Lords dayes, or whateuer the course or practise of any person or persons whatsoever tending to debauchery, irreligion, prophaness, & atheisme among us, wherein by omission of family gouernment, nurture, & religious dutjes, & instruc^on of children & servants, or idlenes, profligat, vn-civill, or rude practises of any sort; the names of all which persons, wth the fact whereof they are accused, & wittnesses thereof, they shall present to the next magistrate or co^mmissioner, where any are in the sajd toun invested wth magistratticall power, who shall proceed against and punish all such misde-meano's by fine, imprisonment, or binding ouer to the County Court, as the law directs.

[*233.]

Tythingmens duty.

Whereas yow, A B, are chosen a tythingman wthin the toun of D for one yeare, & vntill others be chosen & sworne in your roome & stead, yow doe here sweare by the living God that yow will diligently endeavour, and to the vtmost of yo^r ability performe and intend, the duty of yo^r place according to the particulars specified in the lawes peculiar to yo^r office. So help yow God.

Tything mens oath.

1679.

15 October.
No debt made
by ordinary
keepers allow-
able to be p^d.

It is heereby ordered, that henceforth no ordinary keeper shall haue any action or recouer any debt that shall heereafter be made by any inhabitant for any sort of drincke or liquo^r sold to such inhabitants, and that the sajd ordinary keeper, besides the loosing of his debt, shall, vpon conuiccion before any magistrate or persons authorized in such case, forfeitt the sūme of fīue shillings in mony to the county where the fact is comitted for euery such offence or act.

Order to pre-
vent souldiers
escape of duty.

This Court, being informed that many persons doe not appeare and attend military exerciscs in the places to which they did of long time belong, & being called vpon for their deffects, give answer that they are remooved, when indeed, being young men & vnwilling to be confined to any certeine place, they moove backward & forward, & so performe duty at no place, doth heerby order & enact, that when any person is entred & belongs to the military company in one toune, he shall not be at liberty or escape duty in sajd place till he bring a cirtificate from the cheife officer of the place to which he remooues to the cheife officer of the place from whence he remooved that he is entred in their list, and taken notice of as one of their oune men, so that *he may be in a way of duty, and vntill that time the remoover to be liable to duty in his first place, & to satisfisfy, by distresse or suite, the demands of the comānder or clarke according to proportion of former lawes.

[*234.]

Order declar-
ing w^t is an
alarm by day.

Whereas there is no declaration made by this Court what shall be taken for an alarm in the day time, and by reason of the variety of occasions the signalls prescribed for a night alarm would be full of vncerteintyes in the day, especially to neighbour townes, it is ordered, that, besides the abouesajd signes, or some of them, given in the place where the alarm is first taken or made, there shall be messenger or messengers sent to the neighbour townes by the comittee of militia, or some of them, & directed to y^e comittee of militia, or some of them, whence assistance is desired. Crying 'Arme, arme,' &c, shall be an alarm to all such places, and therevpon all the souldiers of that toune shall be bovnd imēdiately to repaire to their colours, and then attend further orders, sent by writing or by word, by a sufficient messenger; and all this vnder the pænalty of fīue pounds a man for euery deffect.

Order for col-
lectors to re-
quire 124 p^r
tunn for all
vessells aboue
12 tunns to-
wards fortifica-
tions.

It is ordered by this Court & authoritje thereof, that all shippes, & other vessells aboue twelue tunns, that trade wthin our ports, (except the confederates of this colony,) belonging to other places, or that the greater part of the oūno's thereof are not inhabitants of this iurisdiccion, shall pay one shilling in money for euery tun of burden they are off euery voyage they make hither, towards prouissions for publicke ffortifications, w^{ch} is to be paid to M^r Paul Dudley for y^e ports of Boston & Charls Toune, M^r Hilliard Veren,

1679.

15 October.

Señ, for Salem & Marblehead, & Mr Richd Martyn for Piscatqua, or to whom they shall depute vnder their hands; and in case the ship master or comānders of any such ships or vessells shall refuse, vpon demand, to pay the same, it shallbe lawfull for the sajd gen^l, or any of them, to send forth their warrants to any marshall or constable to distreine for the same, wth the charge thereof, vpon the goods of such master or comānders, or any one of the appurtenances of their vessells; and the gentlemen aboue appointed shallbe accountable to the Gennerall Court when called therevnto for what they shall receive by virtue of this order, and are to deliuer the money they haue in their hands, once euery yeare, or oftener, vnto the survejo^r gen^l, excepting one shilling out of euery twenty shillings they shall receive, which shall be allowed them for defraying their necessary charges thereabouts.

*It is ordered by this Court & the authority thereof, that the law wth [*235.] respect to ministers reading the lawes respecting the Saboath once in the yeare, publickly, vpon the Lords day, be henceforth repealed; and it is further ordered, that the constable or tounne clarke of each tounne performe the same vpon some publicke meeting of the inhabitants.

Order as to the reading & publishing y^e laws of y^e Saboath yearly.

Vpon complaint from seuerall comānders of the trajne bands that their drummers refuse to attend their duty, and will lay doune their places vnless hired, & that too at vnreasonable rates, this Court doth therefore order, & be it hereby ordered and enacted, that any drvm^r now in place or belonging to any of the companyes in this jurisdiction that shall desert the sajd service, or lay doune his place during his abode in the tounne, vnless regularly dismissed p the cheife officer or officers of the company, or in case of just complaint by the County Court, shall forfeit forty shillings in mony, to be levyed by the clerke, by warrant from the cheife officer of sajd company; and for future it shall be in the power of the comission officers of each company to nominate & choose out of their oune company any meete person or persons to serue as a drum^r, and if any shall refuse to accept the place & attend the service, or desert the service, vnless regularly dismissed as aboue, he shall pay forty shillings in money to the vse of the company, to be levyed as aboue; and all drummers so chosen & serving shall be allowed ten shillings p annū, in case the company finde & majntejne the dru^m, or twenty shillings p annū, if he majntejne the dru^me, w^{ch} shall be deliuered to him in good repaire. All persons chosen drummers agreiued haue liberty to make their complaint to y^e County Court for releife.

Law ab^t choise of drummers.

Whither, when a case is comitted to a jury, they ought not to bring in their verdict vpon the merriit of the case, wthout euading the issue vpon any

Resolution of a quest.

1679.

15 October.

circumstance in way of barr, or non suite pleaded, if it be not allowed by the judges of the Court att the time.

The Court resolves this question on the affirmative.

Law^a weights
& measures.

As an addition to the law, title Weights & Measures, this Court doeth order, that the country Treasurer doe provide, vpon the country chardge, these further brass weights ffollowing, viz^t, one seven pound weight, one fowerteene pound weight, one twenty eight pounds, & one fuetty sixe pounds, which shallbe after sixteene ounces to the pound, wth fitt scales & steele beame, to weigh and try wthall; and the constables of euery toune wthin this jurisdiction, where such weights are frequently vsed, shall, wthin sixe months after publication hereof, provide, vpon the tounes charge, all such weights, at least *least of lead, to be trjed & sized by the country standards, & sealed, kept, & vsed in the seuerall tounes as standards, & improved by y^e select men & constables as the law directs for smaller weights.

[*236.]

Result of y^e
synod to be
printed.

This Court, hauing pervsed the result of the late synod of Septemb^r, 1679, doe judge it meete to comend the same to the serious consideration of all the churches and people in this jurisdiction, hereby enjoying and requiring all persons in their seuerall capacities concerned to a carefull and diligent reformation of all those provoking evils mentioned therein, according to the true intent thereof, that so the anger and displeasure of God, which hath binn many wayes manifested, maybe averted from this poore people, and his favour and blessing obteyned, as in former tjmes; and for this end hath ordered the same to be printed.

Comitte to re-
vise y^e lawes.

Vpon pervsall of the result of the late synod, wherein they seeme to intimate, at least, as if there were some doubt concerning some of our lawes, whither they were sufficiently warranted by the word of God, and other lawes not so well worded as may be effectuell to the end intended, or honno^{ble} to this Court, as also some may be wanting to the ends therein conteyned, it is therefore ordered, that the honored Thomas Danforth, Esq^r, Dep^t Go^v, Joseph Dudley, Esq^r, Cap^t John Richards, M^r Anthony Stoddard, & Cap^t Daniel Fisher be a comitte to consider our lawes already made, that may neede emendation, or may not so clearly be warranted from the word of God, and to draw vp such lawes & orders as, being presented by them at the next Court of Election, may then be considered, and, vpon mature deliberation, be confirmed, which this present Court cannot haue time to doe.

Comitte to
take y^e Tres^rs
accounts.
The Tresurers
abstract of his
accounts
brought into y^e
Court was d^d
to y^e comitte
p^r E. R., S.

Humphry Davy, Esq^r, M^r Anthony Stoddard, Cap^t John Richards, Cap^t Daniel Fisher, and M^r James Russell are appointed a comitte to examine the Tresurers accounts forthwith, and, if possible, to make returne of what they finde to this present session, or, if otherwise, to the next Court of Election.

It is ordered, that there be one single country rate this yeare, payd in 1679.
corne, at price as last yeare, & one halfe rate more in money.

The Court, hauing read the returne from Portsmouth & Great Island, & Cap^t Daniels answer to the Islanders, doe heereby approove & allow the same, & that the agreement being fulfilled, the inhabitants of Great Island shallbe at liberty to provide for themselves & transact publicke affayres of that place as haue respect to the ministry amongst themselves.

*In answer to the petition of Rowley, referrring to a council for settlement of their differences, this Court doth order, that the churches of Ipswich, Newbery, Hampton, Hauerill, who were formerly, by their elders & messengers, vpon the place, together wth the messengers of the three churches of Boston, the church of Salem, Beuerly, & Portsmouth, be written vnto by the secretary, in the name of this Court, to assemble at Rouley on the second Wednesday in November, to giue their solemne advice & issue to the said differences, as God shall direct, and make returne to the next Gennerall Court.

In answer to the petition of M^{rs} Margaret Thatcher, relict of y^e late Ref^{end} M^r Thomas Thatcher, it appearing that the said M^{rs} Margaret Thatcher, by paying a valuable summe to the heires of the late M^r Thomas Thatcher, bath purchased to himself the whole remayning right to his estate, which she feares may be deteyned or hiden by the said heires, or their order, the Court judgeth it meete to referr it to the next County Court for Suffolke to heare hir complaints, and to examine all partjes that may be concerned therein, by interrogatorjes or otheruise, that no part of the peti^{tion}ers due right be wthheld from hir.

The council, for sundry weighty reasons, hauing ordered the County Court in course at Hampton to be held this next session at Salisbury, this Court, hauing binn enformed thereof, doe judge said act to be legall, and all parties concernd are accordingly enjoyned to attend the same.

In ans^w to the petition of Mary Salter, widdow, the Court judgeth it meet to refer hir case to the County Court of Suffolke to remitt the fine, or so much thereof as they judg fitt.

The Couvty Court for Suffolke is adjourned to the first Tuesday in November next.

In the case betweene Thomas Tare, plaintiff, & Isaac Waldron, defendant, this Court sees cause to confirme the judgment of the County Court at Portsmouth, that the said Isaac Waldron pay to the said Thomas Tare seventeene povnds tenn shilling, in mony, damage, as also that the said Waldron pay more to the said Tare, fouer pounds, in mony, for his

15 October.
A single rate
in corn & half
rate in mony
this yeare.

Wth are on file.
Great Islands
Liberty to haue
a minister
there.

[*237.]

A councill of
church^e to be
at Rowley 19
Nov^r.

Ans^r to M^{rs}
Margaret
Thatchers peti-
tion.

Hampton
Courts adjourn^d
to Salisbury.

Ans^r to Mary
Salters peti^{tion}

County Court
of Sudolke ad-
journ^d.

Tare ag^t Wal-
dron.

1679.

15 October.

[*238.]

Courts judgment inter Major Tho. Sauage & Samuel Apleton, Jun.

vnjust imprisonment, & costs of Court, i. e., nineteene pounds; in all forty pounds.

*This Court, hauing heard & considered the case betweene Major Thomas Sauage, of Boston, plaintiffe, & Samuel Apleton, Jun, deffendant, doe judge that Samuel Apleton shall haue & remajne in possession of three quarters of the land & iron works in controuersie, vnless it shall appeare that his proportion is more then his part according to purchase, then Major Sauage to be allowed accordingly, prouided the said land so possest by Samuel Apleton shall stand obleided to respond what Major Sauage may suffer from Bex & Company, as assignee, proportionably to the whole possessed by Major Sauage & Apleton, & y^t y^e tenn povnds for hearing the case be æqually paid betweene them.

Marshall & Pepins case.

On a full hearing of the case brought to this Court, by petition, from Benjamin Marshall, plaintiff, against Samuel Pepin, deffendant, this Court judgeth for the plaintiffe sixe pounds damage, money, and costs of all Courts, twenty three pounds 2^s, in all twenty nine pounds two shillings, in money; and doe order, that henceforth the said Pepin shall and hereby is restreyned from cutting any timber vpon the farme but what is necessary for vse vpon the same.

Courts judgment inter Jacob Ong & Fuller.

In the case betweene Jacob Ong & Jn^o Fuller, this Court doth order and decree, that the said Jacob Ong shall haue & enjoy the lands in controvsy to him & his heires for euer, vnless the said Fuller doe, wthin two moneths, pay vnto said Jacob Ong, or his order, sixty pounds, forty pounds whereof to be in currant money of New England, & twenty pounds in corne & catle, at indifferent prizes, to be valued by indifferent men, & y^e deffend^t to pay y^e costs, i. e., eleven pounds twelue shillings & sixe pence.

Lient. Gov^r, Courts judgment as to Mr Symonds estate & administration.

This Court, hauing heard the pleas & allegations of Mr Epps & Mr Harlakenden Symonds on the one part, & Mr Jonathan Wade on the other part, refferring to the settlement of the estate of Mr Samuel Symonds, late Dep^{ty} Gov^r, doe order & determine, that Mr Epps, Mr Harlakenden Symonds, & Mr Richard Martjn be administrators to the estate of the said Mr Samuel Symonds, and that they pay and satisfy all legatjes & bequests in the said will, according to the true meaning & intent thereof, referring to the widdow & other legatees, & that the farme Argilla & the remayning part of the said estate shall be diuided amongst the children of the said Mr Samuel Symonds, viz^t, to Mr Herlakenden Symonds a double portion, to Mr^s Epps, Mr^s Martyn, Mr^s Emerson, Mr^s Baker, & the widdow of W^m Symonds, for hir children, a single share; and because Mr W^m Symonds, or his administrators, may haue paid some of the bequests of the said will, it is therefore ordered, that the

sajd administrators hereby constituted, i. e., Mr Epps, Mr Herlakenden Symonds, & Mr Richard Martyn, shall repay & sattisfy out of the said estate so much as hath beene disbursed by the said Mr W^m Symonds for Mr Wade, for any disbursments by them, or either of them, made, for the defraying of the seuerall expenses, payment of debts, legaties, or other disbursments made for the fullfilling of the aboue said will of the late Dep^t Goſno^r; & this order to be a fynall issue of this controūsy.

*In ans^r to the petition of Cleoment Grosse, the Court grants his requests — liberty to sell his oune lands.

In the case betweene Mr Ralfe King, in the behalfe of the children of his sister, Hanna Blayno, & John Blayno, concerning a farme giuen to Hannah, his wife, & her heires, this Court doe determine, that the said John Blayno haue the vse and occupation of the said farme during his life, prouided the said Blayno shall make no strip & wast, but shall keepe vp the buildings & fences in good repayre, and shall make no other vse of the wood or tjunber growing vpon the said farme, saue only for the necessary vses of the said farme for building, fencing, or firewood, but shall not carry of the said farme any of the wood or timber growing thereon; and it is farther ordered, that Mr Ralph King to be insteed of ouerseer, and is heereby impowred in behalfe of the children of the said Blayno, to sue by a writt of wast any stroy or wast that shall be made in any respect vpon the said farme.

Vpon the motion & request of sundry of the inhabitants of Salem Village, called the farmers of Salem, touching the continuance and maintenance of their p^sent minister. Whereas the inhabitants of this place being therevnto authorized by this Court, with the consent of the church and toun of Salem, to call a minister to preach the word of God to them; and forasmuch as they haue called Mr Bayly to be their preacher, who hath for about six yeares beene among them, & hath the testimony of the church of Salem, & seuerall others, testified, vnder their hands, that he is orthodox, & competently able, & of a blameless & selfe denying conversation; and it also appeares, vnder the hands of about thirty householders of that place, who are the greatest number of the inhabitants, that they are very desirous of his continuance and setlement among them as their minister, & that a comfortable maintenance be allowed him for the support of himselfe, wife, & children, that so he may the better attend his ministry wthout distraction. In answer to this motion this Court doe order, that Mr Bayly be continued & settled the minister of that place, and that he be allowed sixty pounds p annū for his maintenance, one third part thereof in mony, the other two thirds in prouissions of all sorts, such as a family needs, at æquall prizes, & fuell for his familys occasion,

1679.

15 October.
10th p^d by Mr
Epps for hear-
ing y^r case.

[*239.]

Ans^r to Clem^t
Grosse peti-
tion.

Courts judg-
ment inter
King & Blay-
no.

4th to be p^d for
hearing y^r case,
& was by
Ralph King.

Courts judgm^t
& order as to
Salem Vil-
lagers abt, & c,
Mr Bayly.

1679.

15 October.

[*240.]

this sūme to be payd by the inhabitants of that place; and the said inhabitants are to choose three or five men among themselves to proportion every mans share according to equity; and if they cannot agree to choose men to make the said rate, then the Court doe heereby appoint M^r Batter, Cap^t John Coruin, and Cap^t Price, of Salem, to make the said rate vpon the said inhabitants in the most equall way; and if any person shall neglect or refuse to pay their proportion according to the rate determined, the constable of the place, or marshall of that county, are heereby impowred to levy the same by distresse, and all the rate is to be payd in for the vse of the minister vnto two persons chosen by the householders, *to supply the place of deacons for the time, who are to recōn wth the people, and to deliuer the same to the said minister, or to his order; and this settlement to continue vntill this Court take further order, or that there be a church of Christ orderly gathered & approoved in that place, then the chojce of the minister and officers doth revolve vpon them according to law; provided this order shall continue for one yeare only from the last of September last past, and in the meane while all parties endeavour an agreement in him or some other meete person for a minister among them; provided also, that the sd ffarmers pay five pounds for hearing the case, the whole number of villagers equally to beare their proportion thereof.

Ans^r to Mary
Lyndons peti-
tion.

In ans^r to the petition of Mary Lyndon, wife to Augustin Lyndon, humbly desiring the favour of this Court to consider her poore, desolate, and distressed condition, & to set hir free from that marrjage relation in which she now stands to hir said husband, since he hath in so many particulars broken couenant wth her, & that yow will be pleased to setle vpon her & her children the said two thirds parts of the said land, and that smale matter that now remaining in Deacon Allens hands; so shall she euer pray, as in duty bovnd.

Mary Lindons
divorce.

The Court, hauing heard hir case, doe declare the petitioner, Mary Lyndon, to be freed from hir former husband, Augustin Lyndon, and at liberty to marry another man; and doe further grant, that the land mentioned in the petiōn, and the estate in Deacon Allens hands, be deliuered to the sayd Mary for her & hir childrens vse, till the County Court shall take further order.

40th p^d for hear-
ing y^e case, 18
Octo., 79.

Mary, late wife of Augustin Lyndon, humbly desires to acknowledge the great favour of this honour^{ble} Court that they haue binn pleased to sett hir at liberty from that marriage relation in which shee stood to hir late husband; and also, as she is informed, this Court haue ordered her the vse of the peece of land mentioned in the petition, and all other the goods & moneys in Deacon Allens hands, vntill the County Court take further order. The said Mary, being thicke of hearing, did not rightly vnderstand D^r Cookes information,

intimating the remaines of mony left in Governo^r Leuerets hands were deliuered to Deacon Allen, but now she vnderstands, i. e., that tenn pounds remaines in Madam Leuerets hands. Now, the said Mary, desiring to be freed from any future trouble relating to the said Lyndon, or any of his, doth humbly pray, first, that that smale estate which she hath earned & gott together during the time of hir late husbands absence may be setled vpon hir and hir heires and assigns for euer; secondly, that forasmuch as the said smale peece of land willbe of litle or no advantage w^{thout} it be built vpon may be hers, and the said mony, and all other estate in Madam Leuerets hands & Deacon Allens hands, may be freely given to hir, the Court *grants hir requests herein, and doe also confirme the land petitioned for to hir, the said Mary, the late wife of Augustin Lyndon, now Mary Sanderson, for hir life, and to hir heires for euer; and it is ordered, that the late wife of Augustin Lyndon, now diuorced by this Court, shall receive the said sum, being tenn pounds, in M^{rs} Leuerets hands, and this order shallbe a sufficient warrant to M^{rs} Leueret to pay the same, & hir receipt shallbe a sufficient discharge from Augustin Lyndon, or his heires, executo^rs, or assigns.

1679.

15 October.

Ans^r to Mary Sandersons addresse, &c.

[*241.]

In ans^r to the petition of Mary Armitage, of Boston, widdow, the Court judgeth it meete to referr this peti^coner to the next County Court for Suffolke, who, vpon a hearing of all partjes, may & are impowred to determine therein what they judge necessary.

Ans^r to Mary Armitage peti^cion.

In ans^r to the comⁱttee of militia in Salem, the Court judgeth it meete, that the comⁱttee of militia for Salem doe sufficiently repaire the fortifications of said toune, which being donn & approoved of by such as this Court shall appoint to veiw the same, they will then make allowance as they shall see meete.

Ans^r to the comⁱttee of militia of Salem as to fortifications there

In pursuance of our duty, according to the Gennerall Courts order bearing date May 28, 1679, hauing on the 11th August heard the pleas of partjes concerned, and binn vpon the place to veiw it, make our report as followeth: 1st. That the present battery at Charls Toune is out of repajer, and insufficient as to the matter of it, and especially it is obstructed in the vse of the gvnns for the deffence of the toune, and country, & harbour, which is occasioned by the building of wharfes, and houses intended vpon them, farr w^{thout} the battery, vpon the flatts towards the channell. Secondly. Wee judge it necessary, to make the battery serviceable, that it be built out w^{thout} the vtmost wharfe now standing vpon the flatts, and that the Gennerall Court will please to make an order to prohibit any proprjeto^r on either side of the battery to build wharfe or house w^{thout} the battery, towards the channell, w^{thout}

Battery at Charls Toune.

1679. leane of the Gennerall Court. Thirdly. Wee conceive it is just and necessary
 15 October. for the accomodation of the battery, and that 'it is agreeable to justice and
 righteousness, that the full breadth of the battery, as it now stands vpon the
 land side, bounded on the north east wth John Tosdicke, and on the south
 west wth M^r Ballat, w^{ch} battery hath binn planted about forty yeares, bee con-
 tinued in streight lines from northwest to south east, wth a highway of twelve
 ffoote wide betweene the forementioned proprieto^{rs} and the battery, vnto the
 channell; and if any proprieto^r be intrinched vpon for the highway, the
 toun shall satisfy for it. 4^{ly}. Wee humbly propose to the honno^{rb}le Gen-
 ne^{ra}l Court, that they will please to allow to Charls Toune one single country
 rate of their oune toun towards the new building of the aforesajd battery,
 [•242.] prouided it *be donn, &c, w^{thin} eighteene moneths; otherwise this allowance
 to be repayd to the Tresurer.

DANIEL GOOKIN,
 ANTHONY STODDARD,
 JOHN RICHARDS,
 THO: BRATLE.

Courts order &
 allowanc of y^e
 committees re-
 turne.

It is ordered, that when the worke aboue mentioned is finished, a comi-
 tee from this Court be appointed to veiw the same; and on certificate that
 the worke is well and sufficiently donn, some part of their disbursment shall
 be allowed by the Tresurer, as the Court shall then order; & that the worke
 be finished w^{thin} twelue months; and in all other respects the Court do ap-
 proove of the committees returne; and in meane time no abatement to be made
 them of their rates.

Ans^r to Han-
 nah Haughs
 petition.

In answer to the petition of M^{rs} Hannah Haugh, widdow of M^r Samuel
 Haugh, it is ordered, that Joseph Dudley, Esq^r, Cap^t John Richards, & Cap^t
 John Hull be a committee, & are hereby impowred to examine the account of
 debt & credit & the inventory of the estate, and to consider what may best,
 wth least damage to the children, be taken to satisfy the, sajd Haughs debts,
 layd out vpon the estate, and that they treat wth the partjes concerned
 therein, and make returne to the next session of the Gennerall Court.

Courts sentenc
 on Edw^d
 Creeke & his
 family relating
 to y^e fire, &c.

Whereas the persons hereafter named are vnder vehement suspition of
 attempting to burne the toun of Boston, & some of their endeavours pre-
 vayled to the burning of one house, & onely by good Prouidence prevented
 from further damage, this Court doeth order, that Edward Creeke & Deborah,
 his wife, Hepsibah Codman, John Avis, John Earle, Samuel Dogget, Wil-
 ljam Penny, Richard Heath, Symon Jarman, & James Dennis shall, w^{thin}
 twenty dayes, depart this jurisdiction of the Massachusetts colony; and in

case of the returne of any of the abovesajd persons wthout license first had from the Gouverno^r & council, such offendo^r shall be comitted to close prison vntill they pay the sum of twenty pounds in money, & give good security to depart this jurisdiction, and not returne againe contrary to this order; and that who-soeuer shall henceforth entertheyne any of the aforesajd persons shall, for euery such entertheynement of them, or any of them, contrary to this order, pay the same of fuetty pounds in money, the one halfe of the fines aboue to be to the enformer; and that all the aboue sajd persons shallbe kept in prison vntill their departure, and that a copy of this order be sent to each toune, and published by the constable at some publicke meeting; provided, if wthin the tyme pre-fixt for their departure any particular person or persons amongst them be conuic^t of the fact in the judgment of the council, then this order to be suspended till the Court take further order.

*In ans^r to the petition of Beuerly, this Court doe grant them an hearing of their case at the next Court of Election, on the first Mynday of that session, they giving notice to the toune of Wenham of this act.

In ans^r to the peti^{ti}on of the troopers in Boston, hvmblly desiring the favor of this Court to remitt their fines for their not appearance in their arme at y^e time of the late alarm, the Court judgeth it meet to grant their request; and the like remission was granted to Charls Toune, Water Toune, Roxbury, Dorchester, & to M^r W^m Bartholmew, & those y^t petitioned wth him.

In ans^r to the petition of Steven Butler, the Court judged it meet to grant a hearing of this case on Tuesday next, at eight of the clock in y^e morning, & that the secretary give notice to all partjes.

On a full hearing of the case brought by petition from Steven Butler, plaintiffe, against Willjam Hollowell, Benjamin Hollowel, and Edward Ashley, deffendts, this Court judgeth it meete to reuerse the judgment of the last Court of Assistants, and doe confirme the settlement of the County Court in Boston enstating the cleare halfe of the estate of the late Benjamin & Mary Ward, as therein is exprest, to be deliuered vnto the sajd Butler, and be to him & his heires foreuer, granting the sajd Butler his costs, & of the Court of Assistants, ten pounds.

In ans^r to the petition of the selectmen of Salem, the Court judgeth it meete to grant their request, a hearing of their case on the first Monday of the next Court of Election after Beuerly case, then to be trjed, they giving notice to the toune of Wenham.

In ans^r to the motion of the inhabitants of Braintry, Cap^t Richard Brackett is hereby appointed to joyne persons in marriage in the toune of

1679.

15 October.
Prouission in
case.

[*243.]

Ans^r to Beurly
peti^{ti}on.

Ans^r to Boston
troopers peti-
ti^{ti}on.

Courts judg-
ment in But-
lers case.

Ans^r to select-
men of Salems
peti^{ti}on.

Cap^t Rich^d
Bracket im-
powred to
mary, &c, and
take oaths in
Braintry.

1679.

15 October.
Ans^r to Elisa.
Hamon peti-
cion.

Braintry, being duely published according to lawe ; as also to administer oathes in ciuil cases.

In ans^r to the petition of Elizabeth Hamond, relict of Thomas Hamond, lately of Cambridge Village, humbly desiring the favor of this Court, that she may be enabled to passe deed, & receive deeds for exchāing of lands, &c, the Court judgeth it meet to impower the said Elizabeth Hamond, in hir husbands name, to passe deeds to Nathaniel Hamond to performe the exchange mentioned in the petiçon.

[There are no pages *244—*248.]

[*249.]

Ans^r to Tho.
Fuller & Dan-
iel Andrews
petiçon.

*In answer to the petition of Thomas Fuller and Daniel Andrews, of Cambridge Village, the Court judgeth it meete to declare, that the farmers of the village, & other their inhabitants, are to attend the lawe regulating voters in this & all other cases, as other townes are enjoyned to doe ; the second question is answered in the former grant, to which they are referred.

Left & ensigne
for Hampton.

Whereas the military company in Hampton is destitute of a leiftenānt, this Court doth order, that Ensigne John Samborne be leiftenn^t, and Sarjant Thomas Philbrick be ensigne, & that comissions be granted to them accordingly.

M^r Jn^s Phillips
ensigne of
Charls Toune.

M^r John Phillips, of Charls Toune, is appointed ensigne to the military company at Charls Toune, & comission to issue forth accordingly.

Brayntrys lib-
erty to lay out
their 6000
acres, &c.

In ans^r to the petition of the inhabitants of Braintry, the Court allowes the petiçoners to lay out their sixe thousand acres of land in any vacant place in our jurisdiction.

Courts confir-
mation of Sa-
lem Courts act
as to y^r settle-
mt of Cap^t La-
throp's estate.

The act of the County Court at Salem, 27 June, 1676, being presented to this Court, determining the settlement of the estate of the late captaine Lathrop, this Court sees cause to allow & confirme the said act of the County Court at Salem in reference to the dispose & settlement of the estate of the late Cap^t Thomas Lathrop.

Ans^r to Edw.
Rawsons peti-
con, 50th.

In ans^r to the humble remonstrance & petiçon of Edward Rawson, the Court judgeth it meet to grant the petiçoner fuetty pounds in or as mony, to be paid him out of the publick treasury.

Prison keeper
of Cambridg
bill chardg.
Ch^rdgd & d^l.

The prison keeper at Cambridg, W^m Healy, his fees & charges in John Earls case, amounting to sixteene shillings & sixpence, the Court orders the Tresurer of the country to pay the same.

Marlborough, October 9, (79.)

Wee the comittee of the honnored Gen^l Court, in obedience to their order, bearing date May 28, 1679, hauing given oppertunity to a full hearing of the greivances that haue been the matters of debate & contention in the

aboue named place, vpon serious & mature deliberation doe determin & order as followeth: —

1679.

15 October.
Comittées re-
turn as to
Marlborough
aprooved of &
confirmd.

1. With refference to the complaint of Edward Rice, for want of his just interest in Assabath Meadow, wee finde the sajd Rice justly blameable for his turbulent opposing the order made by the former comittée; yet, forasmuch as the sajd issue was grounded vpon some misinformation given them, as to vs doth clearely appeare, and that Samuell Ward & Abraham How are possessed of two parcels of sajd meadow belonging to the sajd Rice & others, by a former grant of the toune, for a fynall end of sajd controuersy, wth the consent of partjes therein concerned, wee doe order, that the abouesajd meadow shall be *diui* *diuided as followeth, viz^t, to Abraham How five acres at the lower north end thereof, and the remainder to be diuided betweene the Reuerend M^r Brimsmead, the aboue named Edward Rice, & Samuel Rice, in a just proportion to their seuerall interests, that is, M^r Brimsmead nine acres, Edward Rice nine and a halfe, Samuel Rice three & a halfe, and that recompence be made to the aboue named Abraham How & Samuel Ward to the full value of the meadow taken away from them, by virtue of this order, from of the comon lands of the toune, either out of the meadow not yet divided or other lands, by the select men of the place forthwith; and in case of disagreement, either as to the place where they shall haue it, or the value of what they part with, & of what they haue in recompence thereof, the same to be determined by men indifferently chosen betweene the sajd partjes and the selectmen: our meaning heerein is, that they shall haue a full compensation for the damage to them heereby susteyned, both to the place where they haue it, & quantity to them allowed.

[*250.]

2. In answer to the question proposed to us concerning the way of raising maintenance for their minister, in discourse whereof wee cannot but take notice that the allowance at present made to the Reuerend M^r Brimsmeade is much short of his deserts, and of what is needefull for an honno^able maintenance, and therefore doe seriously advise to an amendment of that matter; and, for the way of raising, wee judge it best that the inhabitants there resident doe attend the same way that is vsuall in other tounes and the law directs vnto; and for such houses and lands as haue no dwellers therein, that the owno^rs thereof continue to pay all toune & church charges for sajd lands, in proportion as they haue formerly don, and was ordered in the first settlement of the place.

Fynally: wth refference to the booke of reccords of the toune, wee doe order, that the same be deliuered to the selectmen for the time being; and the

1679.

15 October.

selectmen are ordered to take care that the acts of the former committees, together with this writing, be fairely entred into the abouesajd booke.

THOMAS DANFORTH,
JOSEPH DUDLEY,
THOMAS BRATTLE,
LAW: HAMOND.

The Court approoves & confirms this returne of the committee.

Ans^r to widdow
Elisabeth
Morse petiçon,
200 acres.

In ans^r to the petition of Elisabeth Morse, widdow, & relict of John Morse, late commissary, in behalfe of himself & children, the Court judgeth it meete to grant the petiçoner, in behalf of himself & children, two hundred acres of land, where it may be found.

Ans^r to Nath.
W^m petiçon,
100 acres.

In ans^r to the petition of Nathaniel Willjams, late commissary, the Court judgeth it meete to grant him one hundred acres of land, where it is to be found.

[*251.]

Ans^r to Isaack
Waldrons peti-
tion.

In ans^r to the petiçon of Isaack Waldron, the Court judgeth it meet to grant him a hearing of his case on the first Tuesday *of the next Court of Election, at nine of the clocke, he giving notice from this Court to all persons concerned to attend the issue.

Ans^r to M^r
Ezek. Chee-
vers petiçon.

In ans^r to the petition of M^r Ezekiel Cheeuers, it is ordered, that M^r Cheeuers haue a hearing the first Twesday at the next Court of Election, and the order passed this session of this Court concerning this buisnes be suspended.

Courts accept-
anc of return
ab^t Hingham
troope in case,
&c.

Whereas this Court, in May last, vpon the motion of seuerall [^] the troopers and others in Hingham, did order, in ans^r to their petiçon, that Cap^t Joshua Hubbard should take a lyst of such as should willingly offer themselves for troopers, both in Hingham, Weymouth, & Hull, which accordingly hath bin done, & presented to this Court, to the nnumber of forty fve, with expectation of some further addition, if this Court please to accept of what hath bin and is already donn, the Court, hauing pervsed the return, and duely considered how vsefull it may be to the publicke, doe approove of what is donn herein, and doe order, that they shall become a troope, & haue officers appointed accordingly, provided that none of those persons who haue lysted themselves in this troope shallbe dischargd from attending the ffoote service in all respects as before, & lyable to the same pœnaltjes, vntill they are fully fitted & furnished in all respects wth armes & amñition, according to the law respecting troopers, and make it so to appeare to the captaine of the ffoote companjes to whom they did belong.

In ans^r to the petition of Jacob Hurd & John Cowell, administrators to the estate of Benjā Hurd, & Elisabeth, his wife, both deceased, the Court judgeth it meet to grant the petitioners request as to y^e sale of the house for y^e ends mentioned in their petition.

1679.

15 October.
Ans^r to Jacob
Hurds petition.

In ans^r to the petition of Samuel Bullen, of Medfield, the Court judgeth it meet to grant the petitioners the abatem^t of the three pounds of his rate mentioned in his petition.

Ans^r to Sam.
Bullens peti-
tion.

In ans^r to the petition of Thomas Bancroft, the Court grants his request, a dismission from his ensignes place.

Ans^r to Tho.
Bancrofts peti.

In ans^r to the petition of Mary Gatcliffe, alias White, the Court, having p^rvsed this petition, declares y^t it properly belongs to the Court of Assistants to heare & determine this case, vnto whom they judge meet to refer it.

Ans^r to Mary
Gatliue.

Vpon complaint of the ouerseers of the new buildings of the colledge at Cambridge that, notwthstanding all former endeavours, nothing (or litle) is donn as to the gathering in what yet is behind of seuerall subscriptions to that worke, this Court *sees cause to revive & reinforce the order of this Court, made October sessions, 1678, to which end order the same to be printed and sent to the seuerall townes; and doe further order, that the select men of each toun carefully inspect the execution thereof, and that the selectmen make returne of what is donne or further to be donne on the first Wednesday in Aprill next, in the toun house of Boston, to Cap^t John Richards, M^r Anthony Stoddard, & Cap^t Thomas Bratle, appointed by this Court a comⁱtee to receive the same.

Order ab^t y^s
colledge dues
yet remainis.

[*252.]

Order ab^t sub-
scriptions for
y^s colledge.

In ans^r to the petition of Jn^o Francis, the Court judgeth it meet to grant him one hundred acres of land where it is to be found free from former grants.

Ans^r to Jn^o
Francis peti-
tion.

In ans^r to the petition of Jacob Hurd & John Cowell, administrators to the estate of Benjā Hurd, & Elisabeth, his relict, deceased, humbly desiring the favour of this Court to grant them liberty to sell the house & land of the late Benjamin Hurd, & Elisabet, his relict, for the sattisfying of their debts & engagements, & bringing vp the child, the house not being finish^t, & not tenantable, &c, the Court judgeth it meete to grant their request.

Ans^r to Jacob
Hurd and John
Cowell.

1679.

**Att a Gennerall Court, held at Boston, 15th of October, 1679.*

15 October.

[*253.]

10th for hearing
y^e case, paid p^r
M^r Epps.

THE Court, hauing heard the pleas & allegations of M^r Epps & M^r Harlakenden Symonds, on the one parte, & M^r Jonathan Wade on the other part, referring to the settlement of the estate of M^r Samuel Symonds, late Depty^y Gouverno^r, doe order & determine that M^r Epps, M^r Harlakenden Symonds, & M^r Richard Martyn be administrato^rs to the estate of the said M^r Samuel Symonds, and that they pay & satisfie all legatyes & bequests in the said will, according to the true meaning & intent thereof, refferring to the widdow & other legatees, and that the farme Argilla, & the remayning part of the said estate, shall be divided amongst the children of the said M^r Samuel Symonds, viz^t, to M^r Harlakenden Symonds a double portion, to M^{rs} Epps, M^{rs} Martyn, M^{rs} Emmerson, M^{rs} Baker, and the widdow of M^r W^m Symonds, for hir children, a single share; and because M^r Willjam Symonds, or his administrato^rs, may haue payd some of the bequests of the said will, it is therefore ordered, that the said administrato^rs hereby constituted, viz^t, M^r Epps, M^r Harlakenden Symonds, & M^r Richard Martyn, shall repay & satisfie out of the said estate so much as hath binn disbursed by the said M^r Willjam Symonds or M^r Wade, for any disbursements by them, or either of them, made for the defraying of the seuerall expences, payments of debts, legatyes, or other disbursments made for the fullfilling of the abouesajd will of the late Gouverno^r, and this order to be a fynall issue of this controuersy. That this is a true copy, taken out of the Courts reccords,

Attests EDWARD RAUSON, Secre^t.

Vnderwritt.

7 November.

To Edward Mitchelson, Mashall Gennerall, or his deputy.

In his maj^{ties} name, yow are required hereby to levy, by way of execution, in all respects as is expressed in the aboue written judgment and grant of the Gennerall Court of the estate of the late M^r Samuel Symonds, Depty^y Gouverno^r, that yow know or finde he d^jed possessed of, and deliuer the same, with two shillings for this execution, to M^r Epps, M^r Harlakenden Symonds, and M^r Richard Martyn, administrato^rs of that estate, making your returne as the law directs. Dated in Boston, the seventh of November, 1679.

By the Court. EDWARD RAWSON, Secre^t.

Vnderwritt.

By virtue hereof, I depute Robert Lord, Juⁿ, marshall of Ipsuich, my lawfull deputy, for the execution of this warrant.

The 7th 9, 79.Endors^t, EDWARD MITCHELSON, Marshall Generall.

*Ye 12th of November, 1679. Then extend the w^{thin} execution vpon the houses and lands, goodes and chattels, which the late Dep^t Goſn^r djed possessed of, and deliuered the same vnto M^r Daniel Epps, and M^r Harlakenden Symonds, & M^r Richard Martjn, his order, as much of goods and chattels as then appeared as wee could then finde.

1679.
3 November.
[*254.]

By me, ROBERT LORD,
Marshall Deputy to Marshall Gennerall.

This Courts judgment and execution vnder written therevpon, wth the deputation & exteution returnd y^e 24th of December, 1679, stands thus entered & recorded in the Gennerall Courts booke of reccords, at the request of sajd M^r Daniel Epps & M^r Harlakenden Symonds ; as attests

EDWARD RAWSON, Secret^r.

This 10th of November, 1679, a true account of the estate of Samuell Symonds, late Deputy Gouvern^r, deliuered vnto vs, who were appointed administrators vnto the sajd estate by a judgment of the honnored Geⁿ Court, held at Boston 15th October, 1679 — wee say, deliuered vpon execution given vpon the sajd judgment by M^r Rawson, secretary, as appears vnder his hand. Imp^r.

The possession of all the housing and lands that are now		
extant, & that the sajd Samuel Symonds djed possessed of, viz ^t , Argilla ffarme & housing, the marshes beyond Wells, his ffarme towards Castell Hill, the house at toume, & about twenty rods of ground w th it, prized at ten pounds ; the whole lands & housing apprised at 1772 ^{li} ,	}	1772 00 00
Sheepe, twenty seven, prized at 12 ^{li} ,		0012 00 00
Hey, adjudged to be fiuety loads, prized at 37 ^{li} 10 ^s ,		0037 10 00
Twelue cowes, prized at 47 ^{li} ,		0047 00 00
Eight, two yeares old, prized at 16 ^{li} 10 ^s ; sixe young catle, come two yeares old, prized at 12 ^{li} ,	}	0028 10 00
Seuen oxen, prized at 37,		0037 00 00
One fower yeare old bull, prized at 3 ^{li} ,		0003 00 00
Two hundred acres of vpland & marsh at Lampereele Riuer, prized at 130 ^{li} ,	}	0130 00 00
Part of one thousand acres of land at Coxwells, by Wells, at 6 ^{li} ,		0006 00 00

1679.	A clocke at 5 ^{li} , a paire of and irons 1 ^{li} ,	0006 00 00
	One horse at 3 ^{li} 10 ^s , a coult at 1 ^{li} — 4 ^{li} 10 ^s ,	0004 10 00
10 November.	Five leather chaires at 1 ^{li} , 3 red curtaines and valliants at 1 ^{li} 5,	0002 05 00
	Green curtains & valliants, prized at 3 ^{li} , a suite of damaske, } prized at 4 ^{li} , }	0007 00 00
	3 Turkey worke cushins at 12 ^s , a plaine cupboard, 3 old } stooles, & a cubbord cloth at 10 ^s , }	0001 02 00
	A couch chajre at 15 ^s , a great chest at 15 ^s , a chaire w th } armes at 3 ^s , }	0001 13 00
	A cabbinet & two old hats at 1 ^{li} 5 ^s ,	0001 05 00
	Bookes prized at 5 ^{li} , in clothes of Samuel Symonds, Dep ^t } Gou ^{vr} , at 15 ^{li} 5, }	0020 05 00
	The bedsteds and bedding, couerlids, ruggs, blankets, & } sheet, at 11 ^{li} 6 ^s , }	0011 06 00
	Sheeps woole, 45 ^{li} , at 1 ^s 6 p ^{li} , 3 ^{li} 7 6, a musket 28 ^s , a sword } & belt at 15 ^s , }	0005 10 06
	An old sow & 8 hoggs, that were called Spring Shotts, } prized at 12 ^{li} , }	0012 00 00
	A great copper, prized at 8 ^{li} , a p ^r of stilljards & poys at 1 ^{li} , .	0009 00 00
	30 ^{li} of peuter at 16 ^d p ^{li} , 5 ^{li} at 1 ^s p ^{li} , 12 ^{li} & ½ more at 1 ^s 4 ^d } p ^{li} , w ^{ch} comes to }	0003 01 08
	A bell metle mortar and pessell at 10 ^s , a brass p ^r of scales } & wajghts at 7 ^s , }	0000 17 00
[*255.]	*A woodden beame & scales at 10 ^s , an iron pot 8 ^s , a } cheese press at 10 ^s , a quern mill 10 ^s , }	0001 18 00
	A p ^r of harrowes 1 ^{li} , a pajre of iron racks 14 ^s , a pajre of } tongs 3 ^s , fire pan 1 ^{li} 17, }	0001 17 00
	A gridiron 5 ^s , a frying pan 8 ^s , a spitt & tramel 10 ^s , a cub- } bord, table, & forme 18 ^s , }	0002 01 00
	A tin lampe 1 ^s , a brasse skillet 8 ^s , a brasse kette & pot } hookes, one paire, 10 ^s , }	0000 19 00
	In catle belonging to the farme, in the hands of M ^r Daniel } Epps, Señ, }	0022 00 00
	A copper pan 11 ^s , a corslett 2 ^{li} ,	0002 11 0
	A new tumbrill making, & boards, & nayles, prized at 20 ^s , .	0001 00 00
	A marble mortar at 20 ^s , a cart roape at 8 ^s ,	0001 08 00
	9 ^{li} & a halfe of cotten woole at 16 ^d p ^{li} ,	0000 12 08
	Barrells, tubbs, keelers, & other vessells in the cellar, 1 ^{li} 13 ^s , .	0001 13 00
	Tubbs, cowle,seives, & other smale instruments of wood, 1 ^{li} 7 6,	0001 07 06

A winch, an iron axetree for a grind stone, 3 ^a 6 ^d ; 2 shoŭlls, }	0001 06 06	<u>1679.</u> 10 November
3 howes, forke & rakes, }		
3 yoakes, w th the irons belonging to them, & span shakle, & }	0000 14 00	
pinns, 14 ^a , }		
3 chajnes at 7 ^a p chajne, 1 ^h 1 ^a ,	0001 01 00	
The cart & wheeles, iron hoops, boxes, grispins, washers, & }	0001 15 00	
ax najles, }		
Another pajre of wheeles, w th irons belonging to them, at 2 ^h , .	0002 00 00	
A broad axe and narrow axe at 8 ^a ,	0000 08 00	
<hr/>		
The totall sume is	2103 06 10	
Errors excepted.		

ROBERT LORD, M^rshall,
DANIEL EPPS, Señ,
HARR: SYMONDS.

18 lambs at 6^h 5^a; 5 calves prized at 3^h, the corne, English, and English and Indian, prized at 30^h in the inventory taken 2th July last, which wee leaue to be disposed of by M^r Wade & our sister, Willjam Symonds his relict, to be accounted for amongst other accompts, which when made vp, what doth remajne shall rvnn, vpon the accompt of the single share, to himself for hir children.

The account of particullar aboue the sixe lines was deliuered vnto vs, 12 November. Daniel Epps & Harlakenden Symonds, p order of Richard Martyn, by the marshall, Robert Lord, Juñ, and those sixe lines, also, read to our sister Symonds, Robert Kinsman and Samuel Ingalls being present in all the aprizements & deliueries, who apprized the same; as wittnes their hands, this 12th of November, 1679.

ROBERT KINSMAN,
SAMUEL INGALLS.

This accompt, the totall sume whereof, as aboue, amounts to two thou- 24 December. sand one hundred & three pounds sixe shillings & tenn penc, so vnder writt & signed by the apprisers thereof & the marshall that extended the same, Robert Lord, marshall, stands thus here recorded in the Gennerall Courts booke of reccords, p. 254, 5, & c, at request of M^r Epps & M^r Harlakenden Symonds, from 24th December, 1679.

As attests

EDW^d RAWSON, Secre^t.

1679-80. **Att a Gemmerall Court, specially called by the Gow'no' & Assistant',
at Boston, & held there the 4th of February, 1679.*

4 February.

[*256.]

PRESENT, Symon Bradstreet, Esq̃, Goũ,
Thõ Danforth, Esq̃, Dep^t Goũ,
Daniel Gookin,
Daniel Dennison,
Edw^d Tyng,
W^m Staughton, sworne,
Joseph Dudley,
Pecter Bulkley, s̃w̃,
Nath: Saltonstall,
Humphry Daury, Esq̃s.

The names of y^e deputjes returned to serve at this Court were, —

Cap^t Jn^o Coruin, Cap^t John Price, Sa.
M^r James Russell, M^r Joseph Lynd, Ch.
M^r W^m Sumner, Dor.
Cap^t Jn^o Richards, M^r Anthõ Stoddard, Bo.
M^r W^m Parkes, M^r Edw^d Morrice, Rox.
M^r Symon Stone, Wa.
M^r Edw^d Oakes, M^r Jo^s Cooke, Cam.
Cap^t Rich^d Walker, Lynn.
Maj^r Sa^m Apleton, Cap^t Jn^o Whiple, Ips.
M^r Rich^d Bartlet, Newb.
Cap^t W^m Torrey, M^r Sa^m White, Wey.
Cap^t Josh Hubbard, Hing.
Cap^t Thõ Brattle, Lef^t Jn^o Flynt, Conc.
Cap^t Danⁱ Fisher, En^s Tho: Fuller, Dedh.
Leu^t Edm^d Quinsey, Bra.
M^r John Peirson, Row.
Lef^t W^m Johnson, En^s James Converse, Woo.
Cap^t Jn^o Wayte, Mal.
Cap^t Geõ Barber, Meadf.
Cap^t Edm^d Goodenow, Sud.
M^r Jn^o Dodge, Beur.
En^s Thõ Chandler, Andiv^r.
M^r Jn^o Broun, Red.
Cap^t Jn^o Hull, Salisb.

Mr Job Lane, Billi.

Mr Sam Foster, Chelm.

Mr W^m Halsall, Mr James Steevens, Gloucester.

Capt Sam Ward, Marb.

Mr Rob^t Tucker, Milt.

Mr Ab^r Williams, Marlb.

Mr Sam Worster, Bradf.

1679-80.

4 February.

Capt Jn^o Richards was chosen Speak^r for y^e session.

AT the opening of this Court, the Governor declared that our honored agents being, thro Gods mercy, safely returned to us, & bringing a letter from his maj^{ty}, directed to the Go^vno^r & Company of the Massachusetts, w^{ch} letter he would communicate to them, & was publickly read to y^e whole Court mett together.

The Go^vno^r & Company of the Massachusetts Bay in New England to
A B, captaine.

Whereas yow are appointed capteine of a ffoot company for the service of his majesty in the toune of B., in the county of E., in the colony of the Massachusetts Bay, these are, in his majesties name, to authorize & require yow to take into yo^r care & conduct the sajd company, and diligently to intend that service by leading and excercising your inferiour officers & souldjers in peace and warre, commanding them to obey yow as theire captaine, and yow to observe and obey all such orders and directions as from time to time yow shall receive from yo^r majo^r or other superiour officers. In testimony whereof, &c.

This is y^e forme for military officers comissions, mutatis mutandis.

It is ordered by this Court, that euery person, legally chosen, in any toune wthin this jurisdiction, to serve in the office of a tything man according to law, and doe refuse to take his oath, shall pay as a fine to the toune forty shillings, and another to be chosen in his room for that yeare; and so, from time to tyme, the same course is to be observed in all tounes. And, further, it is ordered, that the constable of each toune, from time to time, shall assist the tything men in the execution of their office, being therevnto desired by the sajd tything men or any two of them.

*It is ordered by this Court and the authority thereof, that for the future there shallbe annually chosen, according to our charter, eightene Assistants,

Order for nomination & election of Go^vno^r,

[*257.]

Assistants, & pub. officers.

1679-80. besides the Gouverno^r and Deputy Gouvernor, in manner following, viz^t: The constables of each toun shall giue timely notice to and warne their freemen to meete vpon the second Tuesday in Aprill next, who, being so met, shall put in their voates for Gouvernor, Deputy Go^vinor, and twenty Assistants, wth major gennerall, secretary, Treasurer, and comissioners of the Vnited Colonjes, all in distinct papers fairely written, the whole number of twenty for Assistants being to be put into one lyst, cut almost assunder betwixt each name; w^{ch} votes shallbe received by the deputjes chosen for the next Gennerall Court, or some other meet person chosen by the freemen where no deputy is, and sealed vp in the presence of the freemen, and the deputjes, or other persons chosen for that end, are to bring the said votes to Boston, sealed vp, to the Court House, by one of the clocke on the Monday before the election day, on the pœnalty of ten pounds for euery person that doth neglect so appearing, where, in the presence of the Go^vinor, Deputy Go^vinor, and Assistants, or so many of them as shall be then present, the proxies shallbe opened and sorted forthwith by the persons so assembled, and so kept distinct, sealed vp, and numbred, wth the name of the party on the back side, with the number of votes inclosed, til Wednesday, when all the freemen that haue not voted by proxy are required to appeare at the Court House in Boston aforesajd, by seven of the clocke in the morning, to bring in their votes for elections of Go^vinor, Deputy Go^v, Assistants, and other officers that are then to be chosen, according to charter, in papers, as aforesajd, all w^{ch} votes are to be sorted and numbred wth the proxies; and the Go^vino^r and Deputy Go^vin^r being chosen and proclajmed, the eighteene that haue most votes are to be proclaymed Assistants for the yeare ensuing, and other gennerall officers to be chosen as formerly. Also, it is ordered, that euery person admitted to be present as aboue at the opening & numbring of the votes shall, before they enter vpon the said worke, or be admitted to be present thereat, take their oathes to deale truly in the trust comitted to them as abouesajd. This law or order to stand for this yeare onely, as to the manner of chojce.

The Court, hauing persved & considered of the oath required of the Go^vino^r by his maj^{ty} for the observation & execution of the statutes for the encouraging & encreasing of nauigation & trade, doe order, that the Go^vino^r take his oath accordingly, and that the same be admistred by some of y^e council.

Oath to be administered to those that sort

[*258.]

& number the votes.

The Deputy Go^v gaue the oath to y^e Go^vino^r in open Court 7th Feb, 79.

*Whereas yow, A B, are appointed and betrusted ffor the opening the proxies sent in by the freemen, and receiving, sorting, and numbring the

votes for the choyce of Goſno^r, Deputy Goſno^r, Assistants, and other publicke officers of this jurisdiction to be chosen on the ellection day, yow doe now sweare by the name of Almighty God, that yow will deale truly and vprightly therein, as also that yow will not, either directly or indirectly, discover either persons or number of votes vntil the election be ended.

This Court doeth hereby declare, that all comissions that haue been formerly granted by the colony of the Massachusets to any person or persons that liue in the townes of Hampton, Exeter, Portsmouth, & Dover, are heereby wthdraune, & as to any future act made voyd and of no effect.

This Court, hauing duely considered of the long & faithfull service of our honored agents, W^m Staughton & Peeter Bulkley, Esq^{rs}, who haue binn employed in England vpon the affayres of the country, &, through the fauour of God, are now returnd, doe wth all thankfulness acknowledge their paynes & care in & about the same, and, as a manifestation of our acceptance thereof, doe heereby order and appoint the Tresurer of the country to pay to each of them one hundred and fuetty pounds, in money, out of the publick treasury, as an addition to what hath binn already granted to them by this Court, as a smale retribution for such their seruice, & an expression of our good affection to them, desiring they will please to accept of the same; and this to be vnderstood of a personall gratuity, wthout respect to what hath binn expended in the prosecution of those matters they haue binn employed in & about.

This Court, taking into consideration the necessity of a speedy establishing a gove'm^t in the Prouince of Majne, & the present season requiring a speedy issue of this sessions of Court, the honnoured council of this jurisdiction is requested, and heereby empowred, to take order for setling the sajd goũment, and appointing a præsident, wth justices of the peace & other officers, as is directed in M^r Gorges patent, & to comissionate the same accordingly vnder the seale of this colony; and this to be in force vntil the next Court of Election here, & vntill further order be taken by this Court therein.

The corporation of the colledge hauing vnanimously chosen, & the officers fully approoved and confirmed that choyce of the Reũd M^r Vrijan Oakes, pasto^r of the church of Cambridge, to be præsident of the colledge there, for the better incouragement of himself and also of the church for providing helpe for carrying on that worke, w^{ch} hereby he may be in part diverted from, or need assistance in, this Court doth order, that fuetty pounds p annũ, in country pay, be allowed the Reũd M^r Oakes, on the considerations aforesajd, ouer & aboue the hundred pounds in money already settled, provided he accept the præsidentship.

*In ans^r to the petition of M^r Hugh Campbell, Scotch m^{ch}t in Boston, [*259.]

1679-80.

1 February.

All comissions to y^e towne of Dover, Portsmouth, Exeter, & Hampton, wthdraune & null.

Our agents recompence.

Gouernment to be settled in y^e Prouince of Majne, &c.

President Oakes his allowance 150 p^r annu.

1679-80. this Court judgeth it meete to allow to the petitioner, on behalfe of such as may on that account transport themselves hither, such accomodation to their number in the Nepmug country as it will afford, provided they come wthin two yeares next after this grant.

1 February.
Ans^r to Hugh
Campbells pe-
tition.
Washorne fine
remitted.

In ans^r to the petition of Lef^t W^m Johnson & James Convers, of Woborn, humbly desiring the favour of this Court to remit them the fine of five pounds for not observing the law as to amⁿition, w^{ch} they had, haue, & willbe more observant for time to come, the Court judgeth it meet to remitt theire fine.

Capt Corwins
fine, 100^{li}, re-
mitted.

In ans^r to the humble petition of Cap^t Georg Coruin, humbly desiring the favour of this Court to remitt him his fine of one hundred pounds, the Court judgeth it meet to remitt to the peti^cōner his sajd fine mentioned in his peti^cōn.

Ans^r to Tho.
Verrys peti-
cōn.

In ans^r to the petition of Thomas Varry, of Marblehead, a wounded souldjer, in the late warr, not perfectly cured of his wound, &c, the Court judgeth it meet to grant the peti^cōner sixe pounds, to be p^d him in mony by the Tresurer.

Admission of
y^r hono^r.
Georg Russell
to freedom.
He accepted it,
& took his oath
13 Feb., 79, be-
fore the Gov.
& Assistants.
Salisbury, Ha-
uerill, & Ames-
bury to belong
to Essex coun-
ty.

It is hereby ordered, that the hono^rbl Georg Russell, Esq^r, now resident wth us in Boston, be admitted to the freedome of this corporation, if he please to accept thereof.

This Court, being sencible of the great inconvenienc & charge that it will be to Salisbury, Hauerill, & Amesbury to continue their County Court, now some of the townes of Norfolke are taken of, and considering that those townes did formerly belong to Essex county, and attended at Essex Courts, doe order, that those townes that are left be againe joyned to Essex, and attend publick buisness at Essex Courts, there to implead and be impleaded as occasion shallbe; their reccords of lands being still to be kept in some one of their oune townes on the north of Merrimack; and all persons, according to course of law, are to attend in Essex county.

Ans^r to Jⁿs
Ricks peti^cōn.
This ans^r is
misplact, &
should have
binu p. 167.

In ans^r to the petition of John Ricks, Joseph Goodall, & Sarah, his wife, the estate being ouned to be vnder a mortgage, the Court declares that the peti^cōners should apply themselves to M^r Symon Lynd, to compound wth him, or to take the course of law vsuall for the freeing of a messuage vnder mortgage, there being no account given whither the mortgage be not already vnder a forfeiture in law.

**Att a Gennerall Court for Elections, held at Boston, 19th of May, 1680.*

19 May.

[*260.]

SYMON BRADSTREET, Esq̃, was chosen Goſino^r, & tooke his oath of allegiance, & y^t ab^t trade, &c.

Thomas Danforth, Esq̃, was chosen Dep^t Goſino^r, & tooke his oath, as also the oath of allegiance.

Richard Saltonstall, Esq̃, was chosen Assistant, tooke his oath 10 August, 1680, at Camb.

Daniel Gookin, Esq̃,

Daniel Dennison, Esq̃,

John Pynchon, Esq̃,

Edw^d Tyng, Esq̃,

W^m Stoughton, Esq̃,

Joseph Dudley, Esq̃,

Peter Bulkley, Esq̃,

Nathaniel Saltonstall, Esq̃,

Humphrey Davy, Esq̃,

James Russell, Esq̃,

Samuel Nowell, Esq̃,

Peter Tylton, Esq̃,

John Richards, Esq̃,

Jhohn Hull, Esq̃,

Bartholmew Gidney,

Thō Sauage, Esq̃,

W^m Broune, Esq̃,

& Majo^r Gennerall.

& Co^mmission^r for y^e colonjes.

& Co^mmissio^r for y^e colonjes.

were chosen Assistants, & tooke their oath, & oath of allegiance.

& Tresurer, & tooke his oath, 12 June, 80.

tooke his oath 26 May.

Edward Rawson was chosen Secretary.

The Court adjourned to y^e morning 20 May, 1680.

The names of the seuerall gentⁿ returnd from y^e townes to serve at this Court were, —

Salem: Cap^t W^m Broune, M^r Jn^o Putnam.

Charl^s: M^r Joseph Lynde, M^r Jn^o Cutler.

Dorch: M^r Willjam Sumner.

Boston: M^r Anthō Stoddard, Cap^t Elisha Hutchinson.

Roxb^o: M^r Edw^d Morice, M^r Joseph Griggs.

1680.

19 May.

Water [^]: Mr Symon Stone.
 Cambř: Mr Edw^d Oakes, Mr Joseph Cooke.
 Lyn: Mr Andrew Mansfeild.
 Ipsuich: Major Sam^l Apleton, Mr W^m Goodhue.
 Newbē: Mr Nicholas Noyce.
 Weym: Cap^t Jn^o Holbrooke.
 Hingh: Mr Daniel Cushin.
 Concō: Cap^t Thō Bratle, Leif^t Jn^o Flynt, 1 š.
 Dedh: Cap^t Danⁱ Fisher.
 Braut: Cap^t Rich Bracket.
 Rouley: Mr Jn^o Peirson.
 Haueril: Leif^t Georg Broune, 1 š.
 Woobō: Lef^t W^m Johnson, Ensign [^] Convers
 Andiŷ: Cap^t Dudley Bradstreet, 1 š.
 Wenh: Cap^t Thō Fiske.
 Maulden: Cap^t Jn^o Wayte.
 Northampř: Leiut^t Willjam Clarke, 1 š.
 Hadley: Lef^t Phillip Smith, 1 š.
 Beūly: Mr Jn^o Dodge.
 Sudbury: Cap^t Edmō Goodenow.
 Springfeild: Mr Sam^l Marshfeild, 1 š.
 Gloucester: Mr James Steevens, 1 š.
 Salisbury: Mr W^m Buswell.
 Reading: Mr Jn^o Broune.
 Marlboř: Mr Abrah Willjam.
 Milton: Mr Robert Tucker, 1 š.
 Hull: Mr Nath Bosworth. — 40.

Cap^t Daniel Fisher was chosen Speaker for y^e session.

[*261.]

Addition to y^e
 military co-
 mission.

Law requiring
 buildings to be
 brick or stone
 in Boston sus-
 pended for 3
 yeares.

*As an explanation of the order of this Court, made in February last, respecting the forme of military officers comissions, this Court doeth declare, that that order intends not only all comissions following, but also preceding the same; and it is hereby ordered, that the secretary doe, when they shallbe demanded, issue out new comissions to all former officers in the sajd forms, & y^t y^e the precedency of captaines goe & be according to their former set-
 lement.

In ans to the petition of seuerall of the inhabitants of Boston, the Court, considering the present inability of many persons that haue susteyned

great losse by the late fyer, to rebuild wth bricke & stone, judgeth it meete to suspend the executing and prosecuting the late lawe, title New Buildings in Boston, to be bricke or stone for the space of three yeares only, when it is to be in force, and all persons are required then carefully to attend vnto the same.

1680.

19 May.

It is ordered by this Court & the authority thereof, that henceforth the new measures that are now come ouer from England by M^r Foy shallbe the standard for this colony of the Massachusetts, which sajd measures are of bell metle, the halfe bushell and the pecke, for measuring of corne & other grajne, & salt, &c; also one quart and one pint, for beere or ale, w^{ch} are attested to by Daniel Man, keeper of the Guild Hall of the city of London, yeoman of the chamber thereof, & sizer and sealler of the weights & measures to be just and right, according to a statute for measuring called Winchester measure, together wth a standard of brasse, to size a yard and an ell; and also one gallon, one quart, and one pint, being wine measures, according to the custome of London, and that all halfe bushells & bushells shallbe sized by this halfe bushell, and all other measures shallbe sized by these other measures before expressed, and that the country Treasurer issue forth his warrants forthuith to the constable of euery toune in this colony, to bring in all the old standards of the seuerall townes to whom the Treasurer shall order, to be sized by the new measures now allowed and approoved of by this Court wthin one moneth after publication hereof, and that henceforth it shall not be lafull for any person whateuer to buy or sell by any other measures *then what are allowed of, & sealed by or according to the abouesajd standards, vnder the pœnalty of fīue pounds to any person that shall so doe, the one halfe to the informer, and the other halfe to the toune they belong to. And if any toune or constable thereof shall neglect their duty heerein, in not bringing in their standards to be sealed, according to the time appointed, they shall pay as a fine to the country ten pounds; and the new seale for these measures shallbe

Order as to
measure &
standards.

[*262.]

(M
NE)

I, Daniel Man, keeper of the Guild Hall of the city of London, yeoman of the chamber thereof, and sizer and sealer of weights and measures, doe hereby certify, (at the request of M^r John Foy, of London, marriner,) that I did size and seale the things following, viz^t : oñ halfe bushell and one pecke, for measuring corne and other graine; as also one quart & one pint, for beere or ale, all w^{ch} are just and right, according to a statute for measuring called Winchester measure, together wth one standard, to size a yard and an ell; and one gallon, oñ quart, and one pint, being uine measures, according to the

M^r Mans certifi-
cat.

1680.

19 May.

customes of London ; all which aforesajd measures, duely sized and sealed as aforesajd, are of brasce. Witness my hand and seale this third day of March, anno Domñi 1679, and in the two & thirtieth yeare of the reigne of our soueraigne lord, King Charles the Second, of England, &c.

DANIEL MAN, & a (seale.)

Sealed & signed in the psenc of

J^o Hutton,

Wll: Worthman, Not Pub^{cus}.

It is ordered, that this writting be entred in the book of reccords, & kept on file, w^{ch} is this done.

Comittées re-
turne as to y^e
colledg pay
considered.

This Court, considering the returne of the comittée appointed to take in the returnes of the senerall townes to be made by the selectmen on the first Wednesday in Aprill last at Boston, respecting the contribution to the colledge, and finding the selectmen of the townes vnder written haue not attended the order of the Court in this respect, doe order that the secretary doe, by letter to the seuerall townes, signify that this Court is sencible of their neglect, but are willing to appoint a further time ; and doe therefore reinforce the sajd order, that the select men of each tounne carefully enquire into the same, & that they make returne of what is don, or further to be donn, on the 3^d Tuesday in September next, in the tounne house of Boston, to the former comittée appointed to receive the same, on pönalty of twenty pounds fine to the country Treasurer, to be pd by y^e selectmen of each tounne that shall neglect the observanc of this order, according to the true intent hereof.

Charls Tounne, Marlborow, Chelmsford, Hauerill, Wooborne, Wenham, Malden, Rowley, Roxbury, Springfeild, Newbery, Dorchester, Topsfeld, Salem, Glocester, Weymouth, Beverly, Northampton, Sudbury, Hingham, Andiver, Hull.

[*263.]

Comittée to
revise y^e lawes.

*On a motion made to this Court for the reprinting of the lawes, &c, the Court approoves of the motion, and doe order that W^m Stoughton, Esq^o, Joseph Dudley, Esq^o, Peter Bulkley, Esq^o, or any two of them, wth Cap^t Daniel Fisher, M^r Anthony Stoddard, Cap^t Jn^o Wajte, Leif^t W^m Johnson, and Cap^t Elisha Hutchinson, or any three of them, be a comittée to consider our lawes already made, and that need emendation, and what else is necessary referrring therevnto, together wth his maj^{ties} letter, now vnder consideration, as it relates to this matter.

Entry of peti-
con money to be
divided amōgst
y^e member^s of
y^e Court.

There being much time at euery sessions of the Gennerall Court expended in the considering of peti^{cons}, which putts the members of Court to

the more expences wthout any recompence or allowance, it is ordered by this Court, that henceforth all the money received and due vpon the receipt of petitions shall be divided amongst the members of that session, after the same manner as is vsuall for the cautions received vpon the hearing any peti^cion or case in open Court; and it is hereby further ordered, that whereas peti^cion money was allowed to the clarke & secretary in part of their sallery, that henceforth the said clarke be allowed one fowerth part of his sallery in money, to be paid by the country Tresurer.

1680.

19 May.
Clerks sallery
4 to be p^d in
money.

The Court, being sencible that some petitions are irregularly put on file, wthout payment of the Court due, and after the time of entry according to lawe is expired, and that some are said to be received freely, when it is but the act of one part of the Court, doe therefore order & enact, that the secretary or clarke of the deputjes, or the person who shall at any time officiate in their roome, shall faithfully enter vpon the said peti^cion the particullar day when it was by them received, & how much was, at the receipt thereof, either paid or secured, which they shall be accomptable for; and that no peti^cion shall be accepted wthout the payment of the entry money by law stated, vnless there be an act of both houses, viz^t, Majes^{ties} & Deputjes, for it to be in sub forma pauperis, or by a speciall & particular act of this Court favour.

Order as to en-
try of peti^cions
for time to
come.

*Whereas the law referring to peculiars saith that they shall pay publick charges in that towne whose meeting house is nearest to y^em, —

[*264.]

The questions are, first, whither it is to be vnderstood vpon a direct l^yne, or the nearest passable way.

County Courts
to resolve y^e
questions ab^t
peculiars.

2^d. How and by whom it is to be determined. The Court judgeth it meet to reffer the determination of the two former questions to the County Courts where such cases may fall out.

For the better defence and security of the Castle, it is referred to the com^{it}tee for the Castle, wth the aduise of the council, to augment the number of souldjers there for some moneths, as they see meet, and the Tresurer of the country to pay them as the said com^{it}tee shall order.

Com^{it}tee for
the Castle.

There being seuerall companies in this jurisdiction who are destitute of captaines, and this Court hauing nominated & appointed gentlemen to supply that vacancy, this Court doth earnestly desire these hono^rd gen^{tl} will please to comply wth the actings of the Court herein, & to accept of com^{is}sions accordingly.

Vacancy of
cap^t supplied,
&c.

Mr Humphry Davy, Cap^t John Richards, Mr James Russell, Mr Anthony Stoddard, & Cap^t Daniel Fisher, being appoynted by this Court in October last as a com^{it}tee to examine the last Tresurers accounts, which hitherto, for some reasons, hath not binn effected, this Court judgeth it meete to reimpower

Com^{it}tee to
take the Tres-
urers acco^{ts}.

1680.

19 May.

the aforesajd gentlemen to the worke to which they were then called, and to take in the sajd accounts the last Tuesday in September next, vpon which day the comitte shall meet to proceed in y^t worke, that so it may be ready when called for.

27 May.

Mr Pinchon &
Mr Jos. Dudley
a comitte to
joyne in runing
of y^e l^{ine} be-
tween vs & Co-
necticot.

Vpon consideration of a letter received from the Gouvernor & council of the colony of Conectiot, dated 27 of May, ins^t, 1680, the Court judgeth it meete to agree wth them in the motion for the runing of the l^{ine} betweene the two colo-
njes, begining at the bounds betweene vs & Pljmouth, and in pursuance thereof, doe desire, appoint, & authorize Major Jn^e Pynchon & Joseph Dudley, Es^qs, to be a comitte to joyne in the worke, w^{ch} they are to pursue wth as much speede as may be, giving notice to them of Conecticot of the time when they will attend it, & agreeing wth a meete artist to be improoved, & providing all other assistance & necessaries as they shall see meete.

22 May.

The Court, on pervsall of his maj^{ties} letter rec^d by our agents, ordered the letter here on y^e other side to be sent to the Earle of Synderland, secretary of state, &c.

[*265.]

Courts letter to
y^e Earle of
Sunderland.

*Right honno^rble: —

Vpon the arrivall of our late worthy agents, bringing wth them his majestjes comānds conteyned in his gracious letter of July 24, 1679, our Governo^r convened the Gennerall Court, vnto whom, at their meeting, he comūicated the same, vpon the receipt whereof, in obedjence therevnto, it was forthwith ordered, that there should be a filling vp of the number of Assistants by charter required; that all military comissions should run in his maj^{ties} name; that all persons coming to any priuiledge, trust, or office take the oath of allegiance, all which is accordingly practised; and as to the province of New Hampshire, all comissions for government there, by us formerly granted, are recalled. Our Goūno^r hath also taken the oath prescribed for the observation of the acts concerning trade and navigation. But such was the extremity of the season that a considerable number of the members of the sajd Gennerall Assembly could not possibly attend, thereby occasioning the defferring the further consideration of the remayning particulars of his majestjes letter vntill this present Court of Election, wherein we are newly assembled, although prevented of making further answer thereto at present, by reason of the suddaine departure of the ship by w^{ch} wee convey this.

And whereas wee haue binn accused of a severe hand lajd by us vpon his majestjes subjects of the Province of Majne, in consequence of our late purchase, wee know no colour for that complajnt, it being well knowne that, as they haue binn formerly an expence and no gajne to us, and more particu-

larly in the late warr, deffended from vtter ruine at our charge, amounting to many thousands of pounds, and losse of many liues, so, since that time, there hath been no kind of imposition, taxe, or burden lajd vpon them, but their great bennefit and welfare procured, as wee suppose their oune free addresse to his majesty will declare; so that wee trust, vpon a more full information, his majesty will not see cause to disapprooue of what hath binn donne.

1680.

22 May.

S^r: his maj^{ties} favour in licencing of our worthy agents to returne wth the continuance of our p^{re}sent constitution, and expression of his gracious incljnation to haue all o^{ur} past erro's and mistakes forgotten, and our condition so amended that neither our settlement nor the mindes of his good subjects here might be shaken, vpon the complaints of those that seeke our disquiet, doth greatly oblige us to duty and obedjence; and wee returne his maj^{ty} our most hvmble thanks for the same, euer praying for the preservation of his royall person, and for the prosperitje and long continuance of his reigne. Thus crauing yo^r honno^{rs} favo^rable representation hereof to his maj^{ty}, & pardon for this our *our* trouble, wee remajne,

Right honn^{ble},Yo^r lordships most hvmble servants,

S. B.

The Gofino^r & Company of y^e Massachusets Bay in New England.Boston, 22th May, 1680.

Was subscribed to the Right Honno^rable Robert, Earle of Sunderland, one of his majesties principall secretarjes of state, these p^{re}sent, sent by M^r Joales, & also by M^r Jenner.

*This Court, being informed that there is a publick meeting house erected in Boston, where some doe ordinarily meete, contrary to the law of May, 1679, (prohibbeting all persons whatsoever to erect a publick meeting house wthout the consent of the freemen of the toune first obteyned, or licence of the County Court, or speciall order of the Gennerall Court, as in sajd order is exprest,) did order, that three or more of sajd company be sumoned to appeare before this Court in the morning, at nine of the clock, to make answer for their so doing. Accordingly warrant issued out, the partjes were sumoned, and Phillip Squire, Edward Drincker, & John Russell, with some others, appeared before the Court at the time, and after their deffence made withdrew, sent in their humble petiçon, humbly desiring the Courts favour, &c. After the Court had heard their answers & pleas, pervsed their petition, and what else was produced, the persons being called in, the Courts sentence, in

[*266.]

Courts censure
of the Anna-
baptists.

11 June, 1680

1680.

11 June.

the name of y^e Court, was published to them, y^t y^e Court, in ans^r to their peti^{ti}ōn. judg'd it meete and ordered, that the peti^{ti}ōners be admonish'd by the present honno^ured Go^vno^r for their offence, and so granted them their petition so farr as to forgiue their offence past, but still prohibbited them as a society of themselves, or joyned with others, to meet in that publick place they haue built, or any other publick house, except such as are allowed by lawfull authoritje; and accordingly the honno^ured Go^vno^r, in open Court, gaue them their admonition.

Sentenc ag^t
Edmond
Bridges.

Information being given to this Court by seuerable considerable persons in Salem against Edmond Bridges, who complainje against him as a disturber of the peace & quiet of the sajd toune, & promoter & mannager of vnrighteous & vexatious suites, & labouring to make factions in toune meetings, vpon which complaints this Court caused the sajd Bridges to appeare before them, for the suppressing of the insolency of sajd Bridges, this Court, after a full hearing of the case & pleas made by him, doeth heereby order & declare, that it shall not henceforth be lawfull for him to plead any case in any civil judicature but his oune, and is also heereby debarred from libertje of voting in any toune affajres, and be vncapable of bearing any civil or military office in sajd toune, according as the law directs, title Touneshippes, sectiō the 4th, and all this during the pleasure of this Court.

Ans^r to New-
bery peti^{ti}ōn for
a schoole & 60^s
p^r annu.

In ans^r to the peti^{ti}ōn of seuerall inhabitants of Newbery, as M^r Jn^o Woodbridge, Joseph Hills, Anthony Som^rsby, Rich^d Duner, & others, the Court judgeth it meete to order & impower the selectmen for the toune of Newbery, for the encouragment of learning & maintenance of the schōle master there, to take effectuall care to rayse, by way of rate on the inhabitants, the sōme of sixty pounds p annū, to be y^e sallery of the schoole master there.

[*267.]

Ans^r to Jn^o
Mans, W^m
Houres peti-
tiōn as loafe
bread bakers.

*In ans^r to the peti^{ti}ōn of John Man, George Dauson, Thomas Skinner, & W^m Hoare, loafe bread bakers in Boston, it being asserted that the former comi^{ti}tee, John Richards, Esq^r, M^r Anthony Stoddard, Cap^t Thomas Bratle, & Cap^t Lawrence Hamond, made not their return of their experiment to the Court, therefore they are againe impowred a comi^{ti}tee further to consider and make theire farther experiment at the chardge of the peti^{ti}ōners, and are ordered to make their retufe to the next session of this Court for theire further consideration.

Ans^r to W^m
Jones, Esq^r,
peti^{ti}ōn, 500
acres land
granted, &c.

In ans^r to the peti^{ti}ōn of Cap^t Lawrence Hamond, on behalfe of Willjam Jones, Esq^r, the Court judgeth it meet to grant to the heires of that worthy gent^l, Theophilus Eaton, Esq^r, five hundred acres of land in any part of our jurisdiction free from former grants & not prejudicing plantations.

1680.

11 June.

Ans^r to Joseph Phippen, &c.

A new plantation of 5 miles square granted at Casco Bay.

In ans^r to the petiçôn of Joseph Phippen, Francis Neale, Señ, Georg Ingersoll, John Pickering, Jn^o Marston, Robert Nickles, Jn^o Ingersol, Jn^o Wales, Nathanī Wales, Francis Neale, Juñ, John Johnson, John Royall, Jonathan Putman, humbly desiring this Court to grant them a plantation at the bottom of Casco Bay, on a riu^r called Swegustagoe, &c, the Court, consisting of the Goñno^r & Company, judgeth it meet to grant the petiçõners five miles square, to be allotted out for a towneship, & two of the islands adjacent to the place propounded for by the petiçõners, and doe order, that a comiſſtee be impowred for the entertheyning of inhabitants and granting of allotments, and laying out the bounds of the sajd toune, and no Indian purchase formerly or heereafter to be made shall give interest to any person in sajd lands but by the approbation and allowance of the sajd comiſſtee, reserving to the Goñno^r & Company the royaltjes & priuiledges due by charter to the cheife lord proprieto^r, & a farme of three hundred acres in any place where the president of the sajd province shall appoint & choose; and all this vpon condition that they settle twenty or thirty famijes, with an able minister, within two yeares; also, they shall allow, as an acknowledgment of the Goñno^r & Company, or the cheife proprieto^rs by his majestjes charter, after the first seven yeares are expired, five beaur skins p annū.

In ans^r to the petiçôn of John Hayward, it is ordered, that he be continued for postmaster, to receive in letters & take care for the sending of them to the ouno^rs according to superscription, till this Court take other order; and that all masters of ships or other vessells doe, vpon their arrivall; send their letters that come in the bagg to the sajd post office, except as they shall particularly take care to deliuer wth their oune hands; that the sajd Hayward, or post master, be allowed for euery single letter one penny in money, & for euery packet of two or more two pence in money.

Ans^r to Jn^o Haywards petition.

*In answer to the petition of Clement Grosse, humbly entreating this honnorble Court to take his distressed condition into their pious & judicious consideration, and notwthstanding the pretended deed of sale or entaylement to his children, w^{ch} was neuer any act of his, nor of those that had power to entajle it, & hauing giuen so largely to his children, i. e., two hundred pounds apeece, and hauing nothing left him to majneteyne himself, wife, & children, when all his debts are pajd, w^{ch} will not be aboue eighty pounds, w^{ch} he gladly would haue his wife to haue to improove for his, hir, & fower childrens best comfort, God hauing made this honnoured Court his refuge, that hath not a talent otherwise to deffend from fraud easily by writtings fastned on him that neuer read any, doubts not of your judicious care, who will see the justnes of yo^r petiçõners request, and confirme the sale of the land to the

[*268.]

Ans^r to Clem^{nt} Grosse petition.

1680.

11 June.

Ans^r to Mead-
feilds petiçon,
&c, Sherborn
to haue a pro-
portion.

buyer, that so your petiçoner may yett liue, the Court, in answer therevnto, declares, the petiçoner hath full power to make sale of the lands heerein mentioned, this annex pretended entajlement notwthstanding.

In ans^r to the petiçon of Jn^o Partridge, W^m Allen, Joseph Warring, and nineteen more inhabitants of Meadfeild, the Court judgeth it meete to remitt vnto the full of what is desired, viz^t, oñ hundred and twenty pounds, provided that the inhabitants of Meadfeild and Sherborne haue the bennefit of this grant in way of just proportion to their losses; and it is ordered, that Cap^t Daniel Fisher, Cap^t Prentice, Cornet Timothy Dught, & Sarjant Richard Ellice, see that it be disposed, not only amongst the petiçoners, but such as they shall see meet in sd toune of Meadfeild, as sd comittee shall determine, Cap^t Fisher to appoint time & place of meeting.

Ans^r to W^m
Griggs petiçon.

In ans^r to the petition of W^m Griggs, the Court judgeth it meete to allow the sale of the house & land mentioned, provided said Griggs give other security to the satisfaction of the County Court for Suffolke, for the payment of debts & the childrens portions.

Ans^r to Mr Jon-
athan Wades
petiçon, 10th ps
by Mr Wade.

In ans^r to the petiçon of M^r Jonathan Wade, &c, the Court judgeth it meete to grant the petitioners a hearing the next sixth day, at nine of the clocke, & that due notice be give to all persons concerned to attend the issue. The partjes appeared. It is ordered, that the last sentence or judgment of the Gennerall Court in October, relating to the last will & testament of the late Samuel Symonds, Esq^r, be revoakt, & that tenn pounds be pd for the hearing.

Ans^r to Antho-
ny Checkleys
petiçon.

In ans^r to the petition & request of M^r Anthony Chekly for the resolution of the question therein proposed, the Court judgeth it meet to declare, that the petiçoner ought to beginn his action by revejw in a County Court, as is vsuall in other cases.

[*269.]

Ans^r to M^r
Heymans peti-
çon.

*In answer to the petiçon of M^r John Heyman, of Charls Toune, the Court declares the petiçoner hath the law open for him, and that if he makes any clajme to the estate, he ought to sue the execcutor of James Elson for the estate granted to said Elsons wife & heires, and to haue the same determined for him on behalfe of the heires, vnless, as is pretended, the said Elsons execcutors cann in law ballance, or make James Elsons first will null & voyd by an after will, or other legall barr.

Ans^r to M^{rs}
Margery
Flynts petiçon.

In ans^r to the petiçon of M^{rs} Margery Flynt, executrix to the late M^r Samuell Shephards, forw^{ly} pastor of Rouley, his last will, the Court judgeth it meet to grant hir request, i. e., liberty to the petiçoner, as is desired, to make sale, provided she exchange it for land, or purchase lands to the value, as shee sees cause.

Ans^r to Sarah
Joanes petiçon.

In ans^r to the petition of Sarah Jones, widdow, relict of Thō Joanes, the

Court judgeth it meet to referr the determination of what is therein desired (being informed that the thing desired is inconsiderable) to the County Court at Cambridge, to doe as they shall judge meet therein, by sale or otheruise. 1680.
11 June.

In ans^r to the petiçōn of Thomas Martju, of Marlborough, hvmbly desiring liberty from this Court to purchase some land of the Indians there, the Court see cause to grant the petiçōner his request, i. e., liberty to purchase of the Indian proprietors what he mooves for, so as Majo^r Gookin or M^r Elliot approve of the sale and laying it out.

Ans^r to Thom
as Martyns
petiçōn.

In ans^r to the petiçōn of Samuel Foster, leiftenn^t at Chelmsford, to lay doune that place or office, the Court grants his request.

Samuel Foster
layd doune his
leift^{nt} place.

In ans^r to the petition of Mary King, relict widdow of Mark King, the Court judgeth it meete, and doe hereby order, that it be left to the County Court of Midlesex, who are heereby empowred to doe, in ans^r to what is hereby desired, as they shall see meete.

Ans^r to Mary
Kings petiçōn

In ans^r to the petition of Elizabeth Mather, the Court judgeth it meete to referr the matter of this petiçōn to the County Court of Suffolke, impowring them to grant and order therein what they judge æquall & expedient.

Ans^r to Elisa
Mathers peti-
çōn.

In ans^r to the petition of Isaack Hill, & Sarah, his wife, the Court judgeth it meete to referr the petiçōners to the County Court of Midlesex for confirmation of what is desired therein.

Ans^r to Isaack
Hills petiçō.
Mem^r 2. 6.

In ans^r to the petiçōn of Basheba Bale, the Court judgeth it meet to grant the petiçōn, for to be directed & ordered by the County Court in Suffolke, in the sale of lands for the ends proposed.

Ans^r to Bath-
sheba Bales
petiçōn.
Mem^r 2. 6.

In ans^r to the petiçōn of Elizabeth Weeks, the Court referrs the petiçōner to the County Court of Suffolke, to act in it as they see meet, if the petiçōn be in termes as it is presented.

Ans^r to Eliza
Weeks peti.

*It is ordered by this Court, that the prison houses in Boston, and fences about the same, be forthuith repaired or rebuilt, as shall appeare necessary, and M^r Anthony Stoddard, Cap^t Elisha Hutchinson, & Cap^t Jn^o Walley are appointed a comiçtee for the taking order wth workmen to effect the same, & the charges to be borne, two thirds by the country, and one third by the county, & the Tresurers are accordingly to make payment as the said comiçtee shall order. [*270.]

Comiçtee to re-
paire the pris-
on, &c.

For a finall settlement of the estate of the late Captaine Lauthrrop, this Court, having heard the pleas of the partjes concerned, doe determine, that the widow, now uife to Joseph Grafton, enjoy the whole moveable estate to hir oune vse & dispose, paying thereout the said Lawthropps debts, and twenty pounds to the children of Joshua Rey, and that she haue the whole vse and bennefit of the houses & lands for hir life, making no strip nor wast, and at

Courts judg-
ment inter M^r
Cheevers & M^r
Grafton as to
Cap^t Lauthrrop
estate.

1680.

11 June.

Courts judgm^t
inter Befly &
Wenham.

hir death the whole reall estate to revert to the uife of M^r Ezekieil Cheeuers, & hir issue, heires of the said Captaine Lawthrop. The costs for hearing of this case was determind to be five pounds, w^{ch} M^r Ezekieil Cheeuers payd.

In the case of Beverly, by their deputy, M^r W^m Dodg, Paul Thorndick, &c, ag^t Cap^t Thō Fiske, &c, for the toune of Wenham, after the pleas made & evidences produced in the case, the Court declared for the deffend^t the lands in controuersy, & costs of Court; & the costs for Beuerly to pay to be five pounds, w^{ch} was pd.

Courts judgm^t
inter Salem &
Wenham.

In the case of M^r Jn^o Putnam, M^r Gardiner, Joseph Porter, &c, in behalfe of the toune of Salem, plaintiffe, against the toune of Wenham, deffend^t, after the Court had heard their pleas, & perused the evidences produced, they declared their judgment for the deffendant, & that Salem pay five pounds costs, w^{ch} was pd.

Courts judgm^t
as to y^e an^d of
M^r Wades pe-
titiōn. &c.

In ans^r to the petitiōn of M^r Jonathan Wade, &c, the Court granted the petitiōners a hearing the next sixth day, at nine of the clocke, & ordered, that due notice be given to all persons concerned to attend the issue. The parties concerned, M^r Jonathan Wade, & his daughter Mary Symonds, and M^r Danⁱ Epps, M^r Harlakenden Symonds, & M^{rs} Rebeckah Symonds, &c, appeared at the time.

It is ordered, that the last sentence or judgment of the Gennerall Court in October, relating to the last will & testament of the late Samuel Symonds, Esquire, be revoakt, & that M^r Wade pay tenn pounds for the hearing of the case, w^{ch} was donn.

[*271.] *Gentlemen: —

Courts act as
to arrears in
Hampshire,
Hampton, &c.

Information being given to this Court by our country Treasurer & others that there is money still due to our tresurje from some of your inhabitants and plantations, vpon rates & judgments that in former Courts, before your going from this gournment, were obteyned against seuerall of the inhabitants, w^{ch} are not yett satisfied; and besides that, vpon your settlement, a person that was in Norfolke prison, vpon execution for debt, did make his escape, and that many judgments are not yet satisfied in particullar cases, and there is money still due from the county of Norfolke, formerly so called, to seuerall persons for entertainment of the County Courts there, which M^r Dalton, the Treasurer that then was, hath not yet discharged; our desire to yourselues is, that some effectuall care, by yo^r authority, may be taken, that the dues to our treasury vpon former expences may be honestly paid in, and order taken for the satisfaction of judgments obteyned by particular men against persons and delinquents living w^{ch}in your lymitts, according to the custome and law which

such persons were then vnder ; and that those of your townes that did then belong to Norfolke maybe ordered to pay what they are behind hand in their country rates & fines, for the defraying of the Court charges and debts due from that county. With our kind respects to yo^rselves,

Remajne, gen^l,

Yo^r very l^d freinds & neighbours,

The Gou^rn^r & Comp^a of y^e Massachusets,

& signed by y^eir order,

EDW^d RAWSON, Secre^t.

Boston, 20th of May, 1680.

1680.

11 June.

The Court, hauing considered of the proposalls made by Left W^m Clarke, in behalfe of Northampton, relating to peace wth Indians, &c, doe judge the reasons given for a compliance wth the Indians are weighty, and that if there shallbe any future motions made by such as are considerable amongst them, it ought not to be slighted, but so far taken notice of as may be suiteable for the honno^r of the English, and yet not discouraging to them, and therefore doe judge meete that the County Court of Hampshire shall and heereby are impowred, so far as it concerns that county, to receive any motions which shallbe made by any such Indians tending to peace, & haue full power to propound and conclude of such termes as maybe by them judged most conduceable to the safty of the English there ; and that all such Indians as already are or heereafter may come in shall not reside wthin the precincts of any toun wthout liberty first had and obteyned of the select men of the sajd toun.

Courts act as to peace wth the Indians.

In ans^r to the peti^{ti}on of Katherin Mauericke, relict widow of John Mauericke, late of Boston, it is ordered, that the County Court for Suffolke do act in the case, & grant liberty of sale as they shall see meete for the ends proposed in sajd peti^{ti}on.

Ans^r to Katherin Mauericke's peti^{ti}on.

*In ans^r to the petition of George Minot, it is ordered, that the County Court for Suffolke, vpon consideration of the debts due from the estate, be impowred to grant & giue order for the sale of so much lands as may be necessary for payment of the sajd debts, not at all intrenching vpon the widowes thirds, due to her according to lawe.

[*272.]

Ans^r to George Minots peti^{ti}on.

In ans^r to the petition of M^{rs} Margery Flynt, widdow, & M^r Josiah Flint, executrix & executer of the late Refund M^r Henry Flints will, &c, the Court judgeth it meete to grant the peti^{ti}oners request, they giving caution to the County Court for Suffolke to allow such a proportion of the

Ans^r to M^r Josiah Flints, &c, peti^{ti}on.

1680.

11 June.

Ans^r to Leif
Greenleafs
petiōn.Ans^r to Cap^t
Tho. Hinch-
man, &c.

price thereof to the other children of the sd Henry Flynt, deceased, as shall be orderly determined.

In ans^r to the petition of Leiftenāt Enoch Greenleafs, the Court reffers the consideration of the petiōn to the cōmittee for wounded men.

In ans^r to the petiōn of Cap^t Thō Hinchman, it is ordered, that the Tresurer pay vnto the said Cap^t Hinchman eighty three pounds tenn shillings and eight pence agreed vpon by the cōmittee of militia, vnless, to his oune satisfaction & content, he cann present a free parcell of land betweene this and October next to the Court, for their confirmation instead thereof.

Return of the
cōmittee as to
M^r Haughs es-
tate.

In pursuance of an order of the honno^rble Geⁿ Court, October 15, 1679, refferring to the estate of the late M^r Samuel Haugh, wee finde the debts cleare and vndeniable are five hundred forty pounds & vpwards, the estate to lye in mooveables to value of one hundred & thirty three pounds nine shillings & sixe pence, much of it spent; the remainder cannot be sold wthout bringing the widdow & children into distresse; the other remayning estate, in a house in Boston, in wth M^{rs} Brock, mother of said Haugh, is tennant for life; the other pt is a farme in Cambridge bounds, both which house & farme are devised by the last will of Samuel Haugh, father to the late Samuel, & the heires of his body lawfully begotten, w^{ch}, if this Court judge to be an enteyle, and that the lands cannot be sould, the debts consequently must remajne vnpayd, to the great greife of relations, and prejudice of the memory of the deceased, & damage to the credito^rs.

JOS: DUDLEY,
JOHN RICHARDS,
JOHN HULL.

Courts act
therevpon.

The Court, on consideration of the will of the abouesajd Haugh, doe judge the lands may be sold for the payment of debts, the entayle notwithstanding, and empower the ad^mistratrix, wth the consent of the County Court for Suffolke, to dispose and sell part thereof for the ends abouesajd.

Ans^r to James
Dennis petiōn.

In ans^r to the petition of James Dennis, the Court judgeth it meete to grant the petitioners request, i. e., liberty to return in to this jurisdiction againe.

[*273.]

Cap^t Olliuer.

*In ans^r to the petition of Cap^t James Olliuer, it is ordered, that he be dischargd of his captains place, according to his desire; and as to his motion as to the grant of an island in Merrimak, Cap^t Samuel Addams & Leiftenāt

W^m Johnson are heereby desired to make inquiry concerning the said island, & y^e contents thereof, whither it be in the Courts power to dispose of, & to make returne vnder their hands of what they finde to the next session of this Court.

1679.

11 June.

Leiuetenñt W^m Clarke, Leif^t Sam^l Smith, & Cap^t Aron Cooke, returned for associats for the Countje Courts in Hampshire for the yeare ensuing, were allowed & approved of by the Court.

Associats for
Hampshire.

Cap^t Elisha Hutchinson is appointed cap^t to the floote company lately belonging to Cap^t James Olliuier, & Cap^t Jn^o Walley is appointed leiftenñt, & John Haward to be ensigne to the said company.

Elisha Hutch-
inson cap^t, Jn^o
Walley leif^t, Jn^o
Haward en-
signe to Cap^t
Olliu company.

In ans^r to the petition of Hannah Walker, relict widdow of the late John Walker, the Court conceives that the petitioner or executrix of John Walker hath full power, according to the will, to make sale of the house and land mentioned for the end proposed, wthout any act of this Court.

Ans^r to Han-
nah Walkers
petiçon.

This Court, being informed that M^r W^m Hubbard hath taken paynes in compiling a history of New England, doe order, that our honored Gou^rnor & W^m Stoughton, Esquire, Cap^t Daniel Fisher, Lieu^t W^m Johnson, & Cap^t W^m Torrey be a comittee to peruse the same, & make returne of their opinion thereof to the next session, that the Court may then, as they shall then judge meete, take order for the impression thereof.

Comittee as to
M^r Hubbards
history.

In ans^r to the petition of John Warner, of Springfield, the debt claymed being already vpon Hadley account, & the payment already ordered by this Court, & the disbursments arrising vpon that w^{ch} in that time they could not haue disposed of to any advantage, the Court judgeth it inconvenient to alter the way of payment.

Ans^r to Jn^o
Warners peti-
çon.

In ans^r to the petition of Nathaniel Bert, of Springfield, the petitioner seem^g to oune the receipt of the sume mentioned, for provisions disbursed by him in warr time, but as he saith not in spetia couenanted, for w^{ch} couenant appeares not, & ouning he hath received at Springfield, as the rates did arise, the Court sees not cause to grant his petiçon, judging he hath binn better dealt wth then others of his neighbours, nor doeth the Court see cause for any allowance of forbearance.

Ans^r to Nath^l
Berts petiçon.

*In ans^r to the petiçon of the floote company at Marblehead, the Court judgeth it meet to grant Richard Norman, John Legg, and Nathaniel Walton to be ffreemen, being testified that they are quallified as the law requires for freedome, and doe appoint Richard Norman to be leiftenñt, & John Leg to be ensign to the company there.

[*274.]

Ans^r to Mar-
blehead peti-
çon, Ric^d Nor-
man leif^t & Jn^o
Legg ensigne.

In ans^r to the petiçon of John Gifford, the Court judgeth it not convenient, much less legall, to grant him a hearing at the Gennerall Court, when

Ans^r to M^r
Giffords petiçon.

1680.

11 June.

Ans^r to Mary
Sandersons pe-
tition.

the cause, since the last triall at the County Court, hath not past thorough all inferiour Courts, but leaue the petitioner to take his remedy in law by bill of revejw of the sajd case.

In ans^r to the petition of Mary Sanderson, the Court declares that the petitioner is impowred to demand, receive, & give discharge to Deacon Allen of such estate as she receives that was formerly Augustin Lyndons.

Jn^e Coney en-
signe.

John Coney is appointed ensigne to Capt Thomas Sauage his company.

Ans^r to Jn^e
Musgraues pe-
tition.

In answer to the petition of Jabez Musgrau, a wounded souldier in the late warr, the Court judgeth it meet to grant the petitioner tenn pounds in rate pay, to be paid by the Tresurer.

Ans^r to Row-
ley motion.
Thirells bridge
made a county
bridge.

In ans^r to a motion for the selectmen of Rouley for the setting free of a bridge now obstructed in the county of Essex & bounds of Newbery, once a county bridge, now in the hands of a particular, the Court sees meete to grant their desires, & doe order the sajd bridge to be free, & be a county bridge againe, and what hath bin expended by any particular person for the repaying thereof to be payd or repayd them by the sajd county.

Portsmouth, in y^e Province of New Hampshire, March 25, 1680.

Much honored : —

The late turne of Prouidence made amongst us by the all ordering hand, hath given occasion for this p^sent application, wherein wee craue leaue, as wee are in duty bound, —

1. Thankfully to acknowledge your great care for us & kindnes towards us while wee dwelt vnder your shadow, ouning ourselues deeply obledged that yow were pleased, vpon our earnest request & supplication, to take us under your government, and ruled us well whilst wee so remajned, so that wee cannot give the least countenance to those reflections that haue bin cast vpon yow, as if yow had dealt injuriously with us.

2^d. That no dissatisfaction wth your government, but meerely our submission to diuine Prouidence, to his maj^{ties} comānds, to whom wee owe allegiance, without any seeking of our oune, or desires of change, was the only cause of our complying wth that present seperation from yow that wee are now vnder, but should haue heartily rejoyced if it had seemed good to the Lord & his maj^{ty} to haue settled us in the same capacity as formerly.

[*275.]

M^r Cutts pres-
ident of Hamp-
shires letter to
y^e Court.

*3th. And withall wee hold ourselues bound to signifye that it is our most vnfeigned desire that such a mutuall correspondence betwixt us may be settled, as may tend to the glory of God, the honno^r of his majesty, whose subjects wee all are, & the promoting of the comōn interest & deffence against the comōn ennemy, that there by our hands may be strengthened, being of

ourselves weake, & few in number, and that if there be oppertunity to be anyuise serviceable vnto yow, wee may shew how ready wee are thankfully to imbrace the same.

1680.

11 June.

Thus wishing the presence of God to be wth yow in all yo^r administrations, & crauing the bennefit of yo^r prayers, & endeavo^rs for a blessing vpon the *the* heards & hearts of us, who are seperated from o^r brethren, wee subscribe,

JOHN CUTT, President.

Wth the consent of the Council & Gen^{ll} Assembly.

Supscribed,

To the Honno^{ble} Go^uno^r & Council of the Massachusets Colony, to be communicated to the Ge^{nl} Court, hum^b present, in Boston.

This foregoing letter of y^e President, Council, & Ge^{nl} Assembly of New Hampshir^e, so directed to the Massachusets, was read in Gen^{ll} Court May 22th, 1680, and ordered to be recorded, & kept on file.

As attests

EDW^D RAWSON, Secre^t.

In ans^r to the humble motion of the troope lately granted by this honoured Court to be in Hingham, that the honoured Court would be pleased to make a setlement of the cheife officers & co^manders of the sajd troope according to law, the Court judgeth it meete to grant their request, and appoints John Thaxter to be capitaine, Samuel White leiften^{nt}, and Mathue Cushin cornet to the sajd troope, so as the sajd Mathue Cushin take the oath of freedome.

Ans^r to Hinghams troops motion.Jn^s Thaxter captaine, Samuel White leift, Mathew Cushin in ensigne thereof.

The Court judgeth it meete to order, that the Treasurer, M^r James Russell, be impowred for the ffollowing yeare to haue the manngement of the whole affaⁱre of gathring the rates vpon wines, licquo^s, as the law prouides, and that Joseph Dudley & John Richards, Esq^s, be a co^mittee to assist him in making contracts wth the tauerno^s or others as they did the last yeare, he expecting no more for his service as Tresurer then the bennefit acrewing by the impost.

Tresurer Russells recom-pence.

M^r Dalton : —

By the petition of John Seurance, wee vnderstand that the late county of Norfolke is indebted to him, for the entertejment of the County Court, nere eighteene pounds. Wee are also informed that the last County Court at Salisbury did lay a rate vpon the county for the defraying of the charge of the County Court, which ^{*}was co^mitted to your care, as Tresurer of the county, to collect for the defraying the aforesajd charge, which, by

Courts letter to Mr Samuel Dalton, late Tresurer of Norfolke.

[*276.]

1680.

11 June.

reason of the taking of the fower townes in New Hampshire by his majesties order, hath not binn attended as it ought to have been. Wee haue therefore thought meete to write to the præident & council of New Hampshire about that affaire and other concernes, that they would please to take effectuell order that all dues to the government that yow did lately owe may be honestly payd and dischargd, which wee doubt not but they will see cause to provide for. Desiring & expecting your vtmost endeavour to promote so just a motion, otheruise persons concerned and injured will consider how yow, as Treasurer, are liable to respond such an engagement, so that yow may be obnoxious to that countjes credito's, which wee hope your honesty & ingenuity will prevent, wee are your loving freinds.

EDW^D RAWSON, Secret.In y^e name & order of the Geñll Court.

Ans^r to M^r
Gershom
Bulkeley's mo-
tion, his satis-
faction for cure
of Jonathan
Wells.

In ans^r to the motion of M^r Gershom Bulkeley, the Court^{*} judgeth it meete to allow him, the said M^r Bulkely, in ffull satisfaction for his cure of Jonathan Wells, a wounded souldjer in y^e late warr, the sume of twenty five pounds mony, or forty pounds in country pay, in the toune where he liveth, to be payd vnto him or his order by the Tresurer of the country, at his choyce.

21 mo. diet al-
lowed M^r
Steele for
Jnth. Wells
diet.

The Court judgeth it meete to allow M^r Samuel Steele, for 21 months diet of Jonathan Wells, a wounded souldjer, the sume of twenty one pounds, to be paid to him or his order by the Tresurer in country pay.

Jnth. Gilbert
allow. for Jnth.
Wells, 8: 7: 6.

The Court judgeth it meete to allow M^r Jonathan Gilbert, for thirty three weekes diet & a halfe, at five shillings p weeke, — in y^e whole, eight pounds seven shillings & six pence, — for Jonathan Wells, a wounded souldjer, to be p^d to him, the said Gilbert, or his order, in country pay.

W^m Sheffields
40 acres lajd
out confirmd.

The Court sees not cause to grant W^m Sheffield fuety acres of land, being more then his grant, & not lajd out according therevnto, but doe judge meet that he haue his forty acres, thirty of it as it is now layd out, & tenn acres of the meadow as now lajd out by James Taylor, lying next his oune vpon a paralel line.

Ans^r to Cap^t
Scottows peti-
con.

In ans^r to the petition of Cap^t Joshua Scottow, the Court judgeth it not convenient to grant the petiçoner a hearing, since the petiçoner & the partjes concerned are now, by late transactions, put vnder a distinct government vpon the place, i. e., the Prouince of Mayne, to which authority, if he be vnder any sufferings, he ought to apply himself, it being inconvenient & vnsafe for this Court to comānd any thenc to be judged here.

Jn^e Sherman
cap^t, Jn^e War-
ren left, Nath.
Coolidge ensig,
Water Toune.

*In ans^r to the petition of the trayned band at Water Toune, the Court judgeth it meete to grant their request, and doe order John Sherman to be

[*277.]

their capitaine, John Warren their leftenānt, and Nathaniel Coolidg to be their ensigne. 1680.

In ans^r to the petiōn of Richard Wayte, of Springfield, a wounded soldier in y^e late warr at Springfield, when Leff^t Cooper & others were slajne, humbly desiring that he may be freed from rates, the Court judgeth it meet to grant his request as to his head mony.

11 June.
Ans^r to Rich^d
Wayts peti-
tion.

There was, the last Gennerall Court, liberty granted to Martha Newell, widdow, administratrix to the estate of Jacob Newell, wth the advice & consent of M^r Thomas Weld & John White, to sell a part of the land belonging to sajd Newells estate, for the necessary suply of a family of smale children, the payment of debts, &c; order being mislajd, is desired to be renewed; the Court grants the request heerein.

Ans^r to Martha
Newells peti-
on or request.

In ans^r to the petition of Ephraim Turno^r, humbly desiring the favo^r of this Court to lay doune his place or office of ensigne to Cap^t Olliuers company, the Court grants his request herein, and doe appoint M^r John Hayward to be ensigne to the sajd company.

Ensigne Tur-
ner layd doune
his place, & M^r
Jn^s Howar in
his roomee.

In ans^r to the petition of Rebeckah Hawkins, the Court judgeth it meete to allow hir the eleven pounds mentioned in hir petiōn, for and towards hir subsistence, and cleare of all clajmes or incombances.

Ans^r to Rebec-
kah Hawkins
petiōn.

In answer to the petiōn of the military company of Amesbury, crauing the Courts favour for the settlement of some meet person to instruct & lead them in military service, the Court doeth hereby dischard Phillip Chalice, now leif^t to the foote company of Salisbury, and doe order & appoint the sajd Phillip Challice to be leif^t to the sajd military company at Amesbury.

Phillip Chalice,
left to Salisbury
military com-
pa., dischargd,
& sajd Phil-
lip Chalice ap-
pointed lef^t to
Amesbury mi-
litary company.
Hannaniah
Parker ensi. to
Redding com-
pa.

In ans^r to the petition of Cap^t Swajne, Leff^t Damon, & John Broune, of Redding, in behalf of y^e company there, the Court judgeth it meete to appoint Hannaniah Parker to be ensigne to y^t foot company.

*There appearing some thing necessary to be further donne with refference to the settlement of Sherborne Toune, and the well ordering the prudentialls thereof, & some dissatisfaction with refference to the placing the meeting house, this Court, judging it necessary to remooue all obstructions that may hinder their quiet & peaceable proceeding, doe appoint & empower Willjam Stoughton, Thomas Sanage, & John Richards, Esq^s, a comittee to order and gouerne the prudentialls of the sajd toune for three yeares next coming, as to laying out lotts & raying of taxes.

[*278.]

Comittee for
Sherborn pru-
dentialls, &c.

Ipswich, Jebacco, July 23, 1679.

The persons vnder written being a comittee of the honno^{ble} Generall Court, as by their order, dated May 28, 1679, for the settlement of the buisnes

1680.

11 June.
The committee
returne abt
Chebacho.

of Jebacco, touching the place of publick worship amongst them, and the settlement of a minister in that part of the toune for their accomodation in the worship of God & proppogation of religion amongst them, as in said order is particularly recited, —

The said persons mett vpon the place, die supradicto, & there found present the petiçoners & other inhabitants of said Jebacco, as also others that were deputed by the toune of Ipsuich to offer something refferring to the accomodation of others of their inhabitants, upon a full hearing & serious consideration of what was offered & pleaded by both parties, doe find that the psons, petiçôn's & others, y^e inhabitants there, haue attended the order of the honorable Gennerall Court, in humbly acknouledging their fault in going contrary to the advice of the honorable council, & in giving satisfaction to the offended church of Ipsuich, which was allowed & attested by some of the reuerend elders, and other persons of credit, members of the said church, and therefore doe conclude, —

(1st.) Refferring to the place of the meeting house, that though a remove of the house from the place at present designed by said Jebacho inhabitants, farther towards to the toune of Ipsuich, might accomodate some more of the inhabitants and farmers of said toune, yet, perceiving that the number offering themselues are competent for such a settlement, and those at the head and on the other side of said riuer of Jebacho will be much disadvantaged thereby, who were the first agreived & petitioning partje, that therefore the place where the house now standeth be & is heereby allowed by us, and that they haue liberty to proceede to the finishing of the said meeting house for their comfort & settlement.

[*279.]

2^d. Refferring to the settlement of a pious, able, & orthodoxe minister amongst them for the due mannagement of the worship of God, wee find, by a paper presented to us, signed by the seuerall inhabitants there, their desire of M^r Jerremiah Shepheards settlement amongst them, w^{ch} yet is opposed & objected *against by the reuerend elders & seuerall worthy members of the church of Ipsuich, by whom also, vnderstanding that the said M^r Shepheard hath not professed his subjection to the order of the gospell amongst us, in joyning to any particullar congregational church amongst us; the committee, also considering the great weight & concernment, that peace be obteyned & kept amongst neighbor churches & congregations, especially where the persons issuing forth belong vnto another church, as in this case, see not reason at p^{re}sent to aduise M^r Shepheard preaching or settlement amongst them, but seriously comend it to him to labour his obtainment of full comunion wth some church of Christ amongst us, that he may wth more gennerall approbation labour in

the worke of the ministry, when God shall please to improove him; and that the persons, inhabitants of Jebacho, who are like to be a joint society in this settlement, to seriously consider wth themselves, wth invocation of Gods nam^e, of some meete person, able, learned, & pious, that may be fitt to mannage the publick wor^{pp} of God amongst them, some time betweene this & Tuesday, the day before the session of the Gennerall Court, in October next, vnto which time the co^mittee doe adorne themselves there, to meet in Boston, there to give their approbation vnto such person for the minister to settle amongst them, earnestly entreating & advising them in the meantime to lay aside all animosity, & to take such advice as may be beneficiall for their future settlement & good accord.

1680.

11 June.

October 15th, 1679.

JOSEPH DUDLEY,
RICH^p WALDRON,
ANTHONY STODDARD,
W^m JOHNSON,
HENRY BARTHOLMEW.

The co^mittee for Chebacho, vnder written, mett vpon adjourn^{mt} from ^{sd} Chebacco, in Boston, some of the inhabitants of said place, by papers & information, giving us to vnderstand, that for want of time or other considerations, our aduice to M^r Shephard referring to his joyning to some congregational church, hath not binn attended, & yet their desires remayning towards him, the co^mittee therefore doe further adjourne vntill the second Tuesday in Aprill next, in Boston, leaving them opportunity to pursue said advice, in the meantime to effect & to obteyne some other helpe of a meete person in the interim, at which time wee shall further consider what may be presented to us, in order to their settlement in that affayre.

May 22th, 1680.

J^o DUDLEY,
ANTHONY STODDARD,
HENRY BARTHOLMEW,
W^m JOHNSON.

The co^mittee aboue written mett accordingly, & the inhabitants of ^{sd} Chebacho presented M^r John Wise as a person vpon whom they haue vnanimously agreed vpon for their minister, who is acceptable to us.

J. DUDLEY,
ANTHONY STODARD,
HENRY BARTHOLMEW,
W^m JOHNSON.

1680.

11 June.

Courts allow-
ance thereof.

[*280.]

Courts letter to
gent^l of Casco
Bay.

The Court, hauing perused this returne, doe allow & accept thereof, giving thanks to the comittee for their paines.

*To the inhabitants of Casco, wthin the Province of Mayne.

Gent^l & loving Freinds:—

Wee are informed that some disturbance hath been given yow in yo^r resetting, by the threatnings of some persons whose practises cannot be warranted by his maj^{ties} royall charter, granted to S^r Fardinando Gorges, Kn^t, who was the first^t proprietor of sajd province, and the right whereof is now invested in ourselues. These are to signify vnto you, that as wee haue taken order for the setling of government according to sajd charter, so our care shallbe for the protection & prouission in all respects, as in duty wee are bound, & for yo^r better incouragement and security, haue made a grant of a touneship vpon the northern side of your bay, and are consulting the peopling & improouement of the islands adjacent; and on signification from yourselues of what is necessary by us further to be donne for the security of your peaceable settlement, shall giue the same a due allowance in our consultations, and make such concessions as may consist with his maj^{ties} royall grant of sajd charter & your best good. Wee haue no more to add, but commend you to the guidance & protec^{ti}on of Him who is God Allmighty, and are

Gent^l, your loving freinds,

SYMON BRADSTREET, Go^un^r.

By the order of the Go^un^r & Company of y^e Massachusetts Bay.

Boston, in New Eng^ld, 4 June, 1680.

Comittee for y^e
new plantation
at Casco.

It is ordered, that M^r Bartholmew Gidney, Esq^r, Cap^t Joshua Scottow, & M^r Silvanus Daus be a comittee to mannage the affaires of the new plantation granted at Casco Bay, and are heereby impowred, for the bennefit of sajd plantation in building a fort, to sell one hundred pounds worth of land wthin the sajd province.

In ans^r to the petition of M^r Deodat Lauson, in behalfe of Samuel Dogget, and for his returne, nothing was granted.

In ans^r to the petition of W^m Penny, for his liberty to returne, the Court sees not cause to grant his request.

Courts accept-
ane & their
thanks returnd
to y^e Dep^t Go.
as to settle^t of
y^e Provinc of
Majne.

The Court, hauing read the returne of our present honnord Dep^t Go^un^r, Thomas Danforth, Esq^r, præsident of the Province of Mayne, & other gentlemen employed in the settlement of government there, doe approoue thereof, and thankfully accept of their good service therein, & shallbe willing & ready to manifest the same, as occasion may present, in such suitable retribution as

may evidence the reallity of our thankfulness for their extraordinary paines & labour therein, not doubting of his honno's readynes to be further serviceable in anything wherein wee may haue occasion & himself oppertunity so to doe.

*This Court, hauing taken into serious consideration the requests which hath been presented by seuerall of the reſund elders, in the name of the late synod, doe approve thereof, and accordingly order the confession of faith agreed vpon at their second session, and the platforme of discipline, consented vnto by the synod at Cambridge, anno 1648, to be printed for the bennefit of these churches in present and after times.

1680.

11 June.

[*281.]

Courts order
for printing y^t
platforme of
discipline &
confession of
faith.

Right Honno^{ble}: —

In ours of May last (a copy whereof hath since binn sent) wee gaue yo^r lordship an account how farr wee had then acted in observance of his maj'tjes comānds, conteyned in his gracious letter of July, &c, wherevnto we haue now the following particulars to ad, & most humbly to represent as our farther progresse, in order to his maj'tjes more full sattisfaction. In the matter of our lawes, wee haue appointed a comittee for their revejw, to the intent that where any should be found repugnant to the lawes of England, or derogatory to his majestjes honnor & dignity, they may be repealed or amended, which wee hope in a short time will be effected.

Concerning liberty of conscience, the denyall or streightning whereof to others is the great complaint of some against us, & that those who differ from us are, by lawe, subjected to fines & forfeitures for the same, wee must acknowledge that a cheife designe of our ffathers & predecessors, in their coming ouer hither, was to enjoy a freedome in the matters of religious worship, accounting all the losses, hazards, difficultjes, & great labours of so vast a transportation, & of their first planting a wilderness, not to deare a price for the same; but that, after all, a multitude of notorious erro's, haeresies, & blasphemjes should, wth impunity, be openly broached, nourished, & proppogated amongst us, as by the Quakers, &c, wee presume his majesty doeth not intend; and as for other Prottestant dissento's, that carry it peaceably & soberly, wee trust there shallbe no cause of just complaint against us on their behalfe. As to termes of admission to the freedome of our company, although wee hymbly conceive our charter doeth expresly give vs an absolute & free choyce of our oune members, yet, long since, in obedience to his majestjes pleasure, wee made voyd a former lawe that was thought to haue too great a restriction in it, & established a new *one for the future, w^{ch} doth incapacitate no person who, being a ffreeholder, is also orthodox in religion, not vitious in his life, & who is rateable to the value of tenn shillings in

[*282.]

1680.

11 June.

Courts 24th letter
to Robt Earle
of Sunderland,
one of his ma-
jties principall
secretaries of
state.

a single country rate: other restrictions or qualifications are not imposed by any law or order now in force. And that heerein wee may be the better vnderstood, & stand more cleare in *in* his majesties opinion, wee humbly declare that to be of a different perswasion from ourselues, in matters of externall worship, &, in particullar, to desire to serve God in the way of the church of England, is no part of that hethrodoxie in religion w^{ch} our present law concerning admission of freemen doth prouide against.

With reference to the Prouince of Majne, wee are heartily sorry that any actings of ours should be displeasing to his majesty. His majesties decision of the title for M^r Gorges wee readily submitted to; and after it had for about a twelue month been adjudged to belong to him, his heires & assignes, and accordingly by him during all that time offered to sale to many, nothing further in relation therevnto that wee knew of depending before his maj^{tye}, wee then considered how many thousand pounds we haue expended in the service of that prouince, besides the losse of more then an hundred lives of those by vs sent fforth to deffend and saue it from vtter ruine by the late barbarious & bloody ennemy; & being also well assured of the strong inclination & desire of the generality of the inhabitants of that prouince to come into a quiet, speedy, and easy settlement vnder those of whom they had so long & beneficiall an experience, rather then to runne the hazard of their charges, wee did mak a purchase thereof; and indeed wee knew no better expedient either for our oune reimbursing in part those so great charges lajd out vpon them, or for the preventing of further trouble both to ourselues & his maj^{ties} good subjects there, who, as heeretofore, (so) are againe become humble suppljants to his majesty by their vnanimous addresse, that they may be continued as now they are; wherein therefore wee doe most humbly implore his maj^{ties} grace & favour.

Hauing thus, right honno^{rble}, with so much plainness, acquainted your honno^r wth these our proceedings, wee hope that what wee haue already donn, & are still doing, will clearely speake for us, & make some good prooffe of our readiness to give vndenjed demonstrations vnto his majesty of that loyalty & obedience that wee acknowledge ourselues at all times bound vnto, which confidence wee are most hymbly bold at this time to begg his majesties excuse, & to hope for his gracious indulgence, that wee **wee* haue not as yet sent ouer other agents to attend again in our concernes, and the rather for that wee vnderstand his maj^{tye} & his most honno^{rble} priuy covncil are still taken vp in the same matters, of farr greater importance, which necessitated so long a deffering of our late agents, and at length incljned his maj^{tye} graciously to dismisse them; vnto which, by way of further apologie, wee haue, in trueth, to add

[*283.]

our present low condition, through the vast charges of the late warr, the great debts yet abiding heavy vpon us, and the late wasting fier, happning in our principall toune; all w^{ch} renders it exceeding difficult for us so speedily to rayse & furnish the necessary disbursments of a new sending; nor can wee omitt the great hazard of the sea, creating a backwardness in persons most suiteable to be implojed, wee hauing already lost fve or sixe of our vessells by Turkish pyrates, and many of our inhabitants continuing at this day in miserable captivity amongst them.

1680.

11 June.

Craving your honno^rs favo^r in giving yow this second trouble, and a favo^rable representation of the import thereof to his majesty, wth returne of our most humble thanks for the continuance of his gracious aspect and incljnation farther to establish our libertjes, the vnjust calumnjes of our adversaries notwithstanding, wth our earnest prayers for the preservation of his royall person from all malicious & wicked designes,

Right honno^rble,Wee are your most hvmb^le servants.SYMON BRADSTREET, Go^{vt}.In y^e name of his maj^{ty}s Ge^{vt}ill Court in y^e Massachusets colony.

In answer to the peti^{ti}on of the inhabitants of Sherborne, Maj^r Thō Sauage and M^r Bartholmew Gidney, Cap^t Hutchinson, M^r Joseph Ljnde, & M^r Joseph Cooke are by this Court appointed a co^mittee, and are requested to repaire to the sajd place, & setle all differences depending among sajd inhabitants, and give such directions as to them shall seeme meete for ordering of their prudentials; & what any fower of them shall agree vpon shall be valid, for the determining of such controuersies as are among them; and what they shall doe heerein they are to make returne thereof to the present sessions of this Court, (w^{ch} y^e did, & is on file, not pfected).

Co^mittee as to
Sherborne.

*There appearing something necessary to be farther don wth reference to the setlement of Sherborne Toune & the well ordering the prudentials thereof, and some dissatisfaction wth reference to the placing the meeting house, this Court, judging it necessary to remoove all obstructions that may hinder their quiet & peaceable proceeding, doe appoynt & impower Willjam Stoughton, Esq^r, Majo^r Thomas Sauage, & Cap^t John Richards a co^mittee to order and gouerne the prudentials of the sajd toune for three yeares next co^ming, as to laying out allotments, raysing of taxes, and building of their ministers & meeting house, leaving the matter of scittuation of the meeting house vntil the next sessions of this Court, to whom the sajd co^mittee are to make their returne of what they shall find expedient therein.

[*284.]

Co^mittee to or-
der Sherborn
prudentials
for 3 yeare.

1680. **At the second Sessions of the Gennerall Court, held at Boston, the
13th of October, 1680.*

13 October.

[*285.]

PRESENT, Symon Bradstreet, *Go^v,
Thō Danforth, Esq^r, Dep^t G^v,
Rich Saltonstall, Esq^r,
Daniel Gookin,
Daniel Dennison,
John Pynchon,
Edw^d Tyng,
W^m Stoughton,
Joseph Dudley,
Peter Bulkley,
Nath Saltonstall,
Humphry Davy,
W^m Broune, Señ,
Thō Sauage,
Jn^o Richards,
Jn^o Hull,
Peter Tilton,
James Russell,
Bartholmew Gidney, Esq^rs, Assist^s.

M^s of ships,
sloopes, &c,
danger.

IT is ordered by this Court and the authority thereof, that henceforth it shall not be lawfull for any ship, sloop, ketch, or vessell, of more then twelve tuns burthen, to saile out of any harbo^r or port wthin this colony, or enterteine on board thereof any passenger or passengers, or any servant or negro, wthout the permitt of the Gouverno^r for the time being, or such as he shall appoint to that trust, on pœnalty of twenty pœnds fine, to be payd by the master or skipper of said ship, ketch, sloop, or vessell that shall be convicted of transgressing hereof, and shallbe l^jable to satsisfy double damages to any that shall be injured thereby, to be recouered by an action of the case.

Troop^s.

This Court being informed of the great defficiency gennerally found among the troopers, (some in one kind, & some in others, &c,) and for prevention of future mistakes in the law, t^{it} Charges, Publick, wherein troopers clajme abatement as to their persons & horses being exempted, it is ordered by this Court and authority thereof, that henceforth all troopers (excepting those who, by the first lawe, anno 1648, were allowed five shillings a man,

and the abatement of their head and horse, which is only to be vnderstood as to one single country rate) shall pay for their heads and horses, to all publicke assessments, as others doe, any law, custome, or vsage to the contrary notwithstanding; provided that such as listed themselves vpon the account of that priuiledge, hereby abated as to their head & horse only, shall haue free liberty to dispose of their horses, and list in the foote company againe.

1680.

13 October.

It is ordered by this Court and the authority thereof, that there shallbe annually chosen, according to our charter, eighteene Assistants, besides the Goũno^r & Deputy Goũno^r, in manner ffollowing: The constables of each toune shall giue timely notice vnto and warne their freemen to meet vpon the second Tuesday in March, yearely, who shall then put in their voates in distinct papers for such persons, being freemen, and resident in this jurisdiction, whom they desire to haue chosen for Magistrates or Assistants at the next Court of Election, not exceeding the number of twenty, & all in one lyst clearly distinguished; and no freeman shall put in aboue one vote for one person, vnder the penalty of tenn povnds for euery offence. And the sajd freemen so mett, or the *major part of them, shall then & there appoint one to carry their voates, sealed vp, vnto their sheire toune vpon the last Wednesday [^] March, at twelv of the clocke, which persons for each toune so assembled shall appoint two of themselves, as coĩmissioners for each shire, (Hampshire only excepted,) to carry them vnto Boston the second Tuesday in Aprill, at nine of the clocke in the morning, there to be opened and perused in the presence of the Gouverno^r or Deputy Goũno^r, or so many magistrates as please to attend it, otheruise by those persons that brought them, at the toune house in Boston, or such other place as the coĩmissioners for Suffolke shall appoint; and all lists that exceed twenty, or haue one mans name more then once, shall be throune away, and those twenty sixe who haue most votes shall be the men, and they only, which shallbe put to voate at the Court of Election for Magistrates or Assistants, as aforesajd; and the coĩmissioners of each shire shall forthuith signify to the constables of the seuerall townes within their county, in writing vnder their hands, the names of those twenty sixe persons aforesajd, wth the number of votes for each, which the constable of each toune shall signify to their freemen; and as they haue more votes then others, so shall they be nominated for election, (except such who were magistrates heere-tofore; who shall haue the precedency of all others in nomination on the election day.) It is further ordered, that the constable of each toune shall call together their freemen on the Wednesday next before the election day, from yeare to yeare, when & where such as please may put in their proxies for election, viz^t, of Goũno^r, Deputy Governo^r, and all other publicke officers,

Order about
elections.

[*286.]

1680.

13 October.

in distinct papers, as formerly ; and for twenty Assistants to be chosen out of the twenty six persons in nomination by Indian corne, which proxies shall be sealed vp, wth the name of the person written on the paper, and deliuered to the deputy of the sajd toune, or some other meet person chosen by the freemen, who shall bring the same to Boston on the election day, when and where all the freemen who haue not voted by proxie are required to appeare at the Court-house, by eight of the clocke in the morning, to bring in their votes as aforesajd, where the votes of the Goũno^r & Deputy Goũno^r are first to be opened and sorted, and the chosen proclajmed ; and then the votes for the twenty six persons chosen by corne to be opened & counted, and those eightene who haue most votes are to be proclajmed Assistants for the yeare ensuing ; and all other gennerall officers to be chosen as formerly. Moreouer, all the votes that *that* are brought in for nomination and election shall be brought in by the person voting, or sent by the deputy or the constable [*287.] *of the toune where such person dwelleth, or otheruise loose theire votes ; and if any person betrusted in this order shall faje in discharge of his trust, he shall forfeite tenn pounds.

It is further ordered, that the coĩmissioners of each county, before they open their votes, and so all that are admitted to receive in, sort, & count the votes on the day of election, shallbe vnder oath, as the last yeare.

Imposts on
cattle coming
from y^e colo-
njes.

This Court, being sencible that persons who belong to other colonjes or plantations doe, by their bringing into this colony, or selling to the inhabitants thereof, their neate catle, sheep, horses, & swyne, thereby filling vp our market, and incapacitating our oune inhabitants to sell what they breed and rajse, & pay duties for, whereby much of our money is exported contrary to our law, and no allowance made to this colony for such cattle, horses, sheep, &c, for prevention whereof for the future, —

It is ordered by this Court & the authority thereof, that hencforth for all neate cattles, horses, sheep, and swyne which shall be brought into this colony by any inhabitant of the other colonjes, or by any of this colony going forth & bringing any or all of the sajd kinds aboue mentioned, the sajd persons shall pay, by way of rate, in money, to the Treasurer of this colony for the time being, or his order, these ffollowing rates, viz^t: for all sorts of neat catle two shillings and sixe pence p head, for swyne of all sorts one shilling p head, and for *for* all sheepe or lambs sixe pence p head, and for all horse kinde two shillings sixe pence p head. And for the true and well effecting thereof, it is ordered by the authority aforesajd, that all sorts of persons, whither vendō^r or buyer of any or all the kinds aboue expressed, shall and are heereby obliged to make entry of all or any of the sajd kinds at the first

toune of this colony through which they shall or may passe, on the pœnaltjes hereafter expressed, viz: for all sorts of neate catle not so entred forty shillings p head, horses twenty shillings p head, sheep & lambs five shillings p head, swyne tenn shillings p head, in money, as abouesajd. And it is further ordered, that the clarke of the writts of euery toune, or such whom the Tresurer of this jurisdiction for the time being shall appoint in euery toune, shall be the persons, & they only, for the making such entrijes and for receiving said rates; all which entrijes so made *by any of the persons so deputed shall conteyne in them the number of each kinde, a true copy whereof they shall giue out to vendor or buyer vnder their hands of any or all of the said kinde, whjch alone shall be their security in passing through any of the other townes of this colony, wthout being liable to seizure of any or all the said kinds, in a booke, and stand obleiged vpon his or their oathes to make a true returne to the Tresurer of this colony tuice in the yeare; and all fees for their entry shall be three pence for an entry, and three pence for a copy, and paid by the party, and twelue pence in the pound out of the money received; and that euery informer, vpon any defect therein prosecuting to effect, shall haue one third to himself, the rest to the country. And this law to be in force on the twentjeth of November next.

1680.

13 October.

[*288.]

For explanation of the law, tiff Caske, Cooper, Gauger, Packer, the law for caske is to be vnderstood, butts one hundred twenty sixe gallons, puncheons eighty fower gallons, hogsheds sixty three gallons, terses forty two gallons, barrells thirty one and an half gallon, etç; and the inspection thereof shallbe, and is hereby, added to the gaugers of each toune, as he is, and shallbe, from time to time, vnder his oath for the true performance of the same, according to all the particulars specified in the said law.

Order as to caske.

It is ordered, when any clerke of the writts shall grant attachments in a civil case to any plantiffe lying in goale vpon execution for debt, he shall require sufficient security to answer the deffendants costs, as in case of strangers.

Clarke writts to req^d security of all persons in dures.

Since it hath pleased the God of all our mercjes to manifest his tender compassions towards his people in this wilderness, both by former & latter dispensations of his providence, remembring mercy in the midst of judgments, which wee haue had experience of; hauing this yeare also blessed us wth peace & health in a gracious measure, & hath not given us cleanness of teeth & want of bread in all our places, but hauing obteyned help from God, wee continue to be his people still, and in the full enjoyment of all our libertjes, both ciuil & sacred, for which invaluable mercjes wee can neuer enough prayse the God & Giuer of them; considering also, that solemne thanksgiving

A day of thanksgiving.

1680.

13 October.

[*289.]

is a duty pleasing to the Lord, who hath sometimes lett us see tokens for good as evidences of his gracious acceptance, through Jesus Christ, when wee haue, through him, been giving thanks vnto his name ; this Court doth therefore apoint the 25th of November next to be kept as a day of publick thanksgiving throughout this jurisdiction, **throughout this jurisdiction*, exhorting all the ministers, churches, & people therein, to endeavo^r that it be religiously, & wth all due solemnity, observed, that so the Lord our God may haue the prajse and glory of all those great things which he hath donn, & doeth, & wee trust will doe for his poore people, heereby prohibiting all servile labo^r on sajd day.

A day of humilliation 16 Decemb., 80.

This Court doth appoint the 16th of December next to be kept as a day of solemn humilliation throughout this jurisdiction, prohibiting the inhabitants therein all servile labour, and heereby exhorting all the Lords remembrancers to be earnest with him in prayers for all in authority ouer the nation, for the king vpon the throane, for the Parl^jament, (if sitting,) and for all the deare people of God in England, Scotland, & Ireland, and that all humbling dispensations towards us in these ends of the earth may be sanctified, & that God would yet, for his names sake, continue our libertjes, both civil & spirittuall.

Comitte, as formerly, to revise the lawes. Dd to Gou.

This Court, hauing in May last appointed a comittee for the reuisall of our lawes, & nothing of that nature being yet donn, it is ordered by this Court, that the comittee formerly appointed for that worke doe effectually apply themselues to the same, and make returne of what they doe therein to the next Court of Election, and that the charges of this worke be defrayed by the country Tresurer.

Suffolke regiment divided ; Boston 1, y^e other townes y^e 2^d.

W^m Stoughton, Esq^r, sarg^t major, sent to M^r Clark.

§ For the better regulation of the militia of the county of Suffolke, it is ordered by this Court and the authority thereof, that the regiment of Suffolke, at present vnder the comānd of Majo^r Thomas Clarke, be divided into two regiments, in manner ffollowing, viz^t: that the eight companyes in Boston shall henceforth be accounted a regiment of themselues, and all the troopers vnder the comānd of Cap^t Thomas Brattle to belong to the sajd regiment, and continue vnder the comānd of sajd Majo^r Clarke ; and it is further ordered, that the rest of the townes in sajd county, viz^t, Dorchester, Roxbury, Weymouth, Hingham, Braintree, Dedham, Medfeild, Hull, Melton, & other smale villages in sajd county, shallbe another regiment, and all the troopers in Hingham troope, lately raysted, to belong to the sajd regiment ; and the sajd regiment to be vnder the comānd of Majo^r W^m Stoughton, Esq^r, & he to haue comission accordingly, any law, vsage, or custome to the contrary notwithstanding.

*For the better regulation of the militja in the county of Midlesex, and for ease of the people that liue in that county, it is ordered by this Court and the authority thereof, that the regiment of Midlesex, at present vnder the comānd of Majo^r Daniel Gookin, be diuided into two regiments in manner following, viz^t: the townes & companjes of Charls Toune, Cambridge, Water Toune, Cambridge Village, Wooborne, Maulden, & Redding, wth the troope vnder the comānd of Cap^t Thomas Prentice, or any other troopes that may be heereafter rayseed in those townes, shall be one regiment, & continue vnder the comānd of Majo^r Gookin, Esq^r.

1680.

13 October.

[*290.]

Midlesex diuided into two regiments, y^t of Charls Toune, Camb., & c., to Maj^r Gookin y^r 1st.

That the townes & companjes of Concord, Sudbury, Marlborow, Chelmsford, Billirrica, Groaten, Lancaster, & Dunstable, wth the troope vnder the comānd of Cap^t Thomas Hinchman, or any other troope that heereafter shallbe rayseed in those townes, be another regiment, and vnder the comānd of Majo^r Peter Bulkley, Esq^r, any law, vsage, or custome to the contrary notwthstanding.

Y^e other townes to Major Peter Bulkley.

And it is ordered, that the townes of Charls Toune, Ipsuich, and Newbery be also diuided as the law in that case hath prouided.

Charls Toune, Ipswich, & Newbery be diuided.

For the better regulation of the militia in the county of Essex, and for ease of the people there that liue remote in that county, it is ordered by this Court and the authority thereof, that the regiment of Essex, at present vnder the comānd of Majo^r Gennerall Dennison, be diuided into two regiments, in manner & forme fol^t, viz^t: —

Essex regiment diuided, & c. Dd to Maj. Denison.

That the souldjers in Ipsuich be diuided into three companyes, & the souldjers in Newbery into two companyes, and the sajd companyes in Ipsuich, together wth Wenham, Salem Village, Beverly, Glocester, Salem, Marblehead, & Lynn, to be hencforth a regiment, & all troopers w^{ch} either are or w^{ch} hereafter shall be l^jsted in sajd townes to belong to the sajd regiment, & continue vnder the comānd of the sajd Majo^r Gennerall Dennison.

And it is further ordered, that the rest of the townes in the sd county, viz^t, Newbery, Rouley, Bradford, Andiver, Topsfeild, as also Salisbury, Amesbury, & Hauerill, together wth such troop^s as either are already or which here after shallbe listed in sajd townes to belong to the sajd regiment, & that the sajd regement to be vnder the comānd of Majo^r Nathaniel Saltonstall, and he to haue comission for y^s seccond diuission accordingly, any law custome, or vsage to the contrary notwthstanding.

Major Nath. Saltonstall 2^d.

*It is ordered by this Court & the authority thereof, that the trajned band at Charles Toune, vnder the comānd of Cap^t Hamond, be parted into two companjes, wth as much æquality & conveniency as may be, and it is referred

[*291.]

Charls Townes company to be diuided, & c., settled by M^r Gookin, & c.

1680.

13 October.

Order as to 4
country rates,
2 money & 2 in
corne, &c.
Order as to
troopers rate-
ing.

to Major Gookin, James Russell, Esq's, & Cap^t Hamond, to order the division thereof accordingly, which being effected, Cap^t Hamond is to make his chojce, and the other company shall be vnder the comānd of such comission officers as this Court shall appoint; and this affajre to be settled before the first of May next.

It is ordered by this Court & authority thereof, that there shallbe fower country rates payd for this yeare, two in money, one of them to be wholly improoved towards the payment of what money there is yet due to the late Tresurer, & not otheruise, the other two country rates to be in country pay, and all sortes of corne payd in the sajd two rates to be at these prizes ffollowing, viz^t: wheate at five shillings, barly and barly mault at fower shillings, & rye at fower shillings, & pease at 4, Indian at three shillings, oates at two shillings p bushell, all to be good and merchantable corne, & the barly to be paid to the Tresurer, or his order, before the first of Aprill next; and all other thing paid in the country rate be at mony prize, provided that no leane catle or horses shallbe paid in sajd rates. And it is hereby further ordered, & the selectmen of euery toun wthin this jurisdiction are hereby enjoyned to rate all not freed by law for theire estates; and also, all troopers wthin their seuerall tounes, in proportion with other men, both for their persons, horses, & other estates, excepting such as are exempted by a law made this present session, which is only for one single country rate in a yeare, & that in country pay, and that what money or other country pay shall be advanced vpon this account to be duely returned to the country Tresurer, and he to giue the country credit for the same; and this order to be forthuith printed & published by sending of it to the seuerall tounes.

County Courts
adjournment to
9 Novemb.

It is ordered, that the County Court to sitt in Boston on 3^d day next, being the 26 instant, by reason of the weighty occasions of the country now in hand, be adjourned to the 9th of November next, at eight of the clock, and all persons concerned are to take notice thereof & attend their concernes accordingly.

[*292.]

Ans^r to M^r
Taylor, &c, ad-
ministrators to
M^r Bendalls
estate, their
petiōn.

*In ans^r to the petiōn of M^r W^m Taylor, Cap^t Elisha Hutchinson, and M^r John Scarlet, administrato^rs to the estate of the late Free Grace Bendall, humbly desiring the favo^r of this Court to strengthen them, by their authority, to make sale of his the sajd Bendalls house & land, that it may not be rent away in smale peeces by executions, &c, the Court judgeth it meet to grant their request.

Hallowells &
Butlers case to
be heard, &c.

In ans^r to the request of Anthony Cheekly, attorney of W^m Hollowell, Benjā Hollowell, &c, the Court judgeth it meete that the case mentioned

relating to Stephen Butler, &c, to order that the case be heard the next sixth day, at nine of the clocke. Y^e case was called, p^{ties}, pleas, & evidences heard, but came not to an issue, there being no voate, beth neither Go^d nor Dep^t Go^dnor consented.

1680.

13 October.

The Tresurer, Cap^t Jn^o Hull, presenting his accompts to the Court, w^{ch} were persv^d & accepted of by the Court, provided that Cap^t Bratle, Cap^t Hutchinson, & Leff^t Johnson, as a com^{it}tee from this Court, doe persve the sajd accovnts, & that such exceptions as doe appeare or shall be rectified, and what they find to make their returne to the Court of Election.

Com^{it}tee to in-
spect the late
Tr^s accounts,
&c.

In ans^r to the peti^{ti}on of M^{rs} Margery Flynt, the Court doe judge, that the payment & bond mentioned in the peti^{ti}on appearing to the administrato^{rs} of James Pennymans estate to satisfaction, the administrato^{rs} are heereby impowred & ordered to passe deeds of sale in sajd Pennymans name.

Ans^r to M^{rs}
Margery Flynts
peti^{ti}on as to
Pennimans
land, &c.

In ans^r to a peti^{ti}on of M^{rs} Margery Flynts *peti^{ti}on*, w^{ch} she exhibited to this Court in May last, as explication & addition to that grant, it is ordered, that the exhibbting the evidence of such exchainged or purchased lands, of like value wth the lands of sajd Shepheards sold to the County Court for Suffolke, sajd Court is impowred to allow & rattify the same.

Ans^r to M^{rs}
Margery Flynts
peti^{ti}on as to
Shephards
land, &c.

Whereas the Gennerall Court, in May last, in answer to the peti^{ti}on of M^{rs} Margery Flynt, widdow, & M^r Josiah Flint, her son, were pleased to grant them liberty to a lott of land lying in Braintry, neere a place called Smelt Brooke, lately belonging vnto the Reuerend M^r Henry Flynt, teacher of the church of Christ at Braintry, deceased, w^{ch} land they sold before the death of M^r Josiah Flynt, now also deceased, late pastor of the church of Dorchester; but there being no deed made to the purchaser, nor the money yet fully payd, it is ordered, that M^{rs} Margery Flynt, the now sole excecutrixe of hir husband, M^r Henry Flynt, deceased, be & heereby is fully impowred to make a legall conveyance of the sajd lott to the purchaser, in as full aⁿ ample manner as if M^r Josiah Flynt, deceased, the other excecuto^{rs}, were living & passed the same deed; provided allwayes, that the sajd estate be, by the next County Court of Suffolke, settled, according to law, vpon & amongst the heires of the late M^r Henry Flynt, & that the sajd Margery give bond to the sajd Court to performe their settlement & order accordingly.

Ans^r to M^{rs}
Margery Flynt
peti^{ti}on.

*Sarjant Isack Walker is appointed ensigne to Cap^t Daniel Hinchmans company.

[*293.]

Isa. Walker
ensigne.

In ans^r to the petition of Peter Bulkley, Esq^{re}, as he is y^e attorney of M^r John Brett, Seⁿ, citizen & merchant taylor, of London, the Court judgeth it meete to grant the sajd M^r John Brett two hundred & ffuety acres of land

Ans^r to M^r
John Bretts
peti^{ti}on as an
adventurer,
33^d, &c.

1680.

where it is to be found free of former grants, and not prejudiciall to any plantation.

13 October.
Ans^r to Jn^s
Grouts pet.

In ans^r to the petiçōn of John Grout, Señ, of Sudbury, the Court judgeth it meet to grant the petiçōners request, i. e., liberty to purchase the lands mentioned, if it belongs to the inhabitants of Naticke.

Ans^r to Beuer-
lys petiçōn.

In ans^r to the petition of the inhabitants of Beuerly, the Court judgeth it meete to grant the petitioners a further hearing of their case the next fifth day at nine of the clocke, & that the secretary give warrant for the appearanc of all persons concerned then to attend the Court, w^{ch} was donn. The partie appeare, but, in fine, issued their case between themselves.

Ans^r to Hatt-
feild petiçōn,
15th remitted, y^t
was form^{ly}
respitted.
Order abt a
parcell of to-
bacco.

In ans^r to the petition of Samuel Patrigg, in behalfe of the toune of Hattfeild, the Court judgeth it meet to grant their request in sd petiçōn, i. e., a release of the payment of sajd fueeteene povnds.

This Court hauing a case presented before them respecting vnto a parcell of tobacco seized by M^r Edward Randolph, and vnderstanding that there hath passed a legall tryall that the law hath not condemned the same, it is hereby declared, that the sajd tobacco shallbe forthwith deliuered to the right ouno^r, & ought not longer to be deteyned in the custody of the law.

Ans^r to Mary
Beldings peti-
çō. for hir son,
Jnth. Wells,
referred to the
comitte for
wounded men.
Cap^t Peter
Tounsand.

In ans^r to the petiçōn of Jhonath Wells, son to Mary Belding, his mother petitioning in his behalf, being a wounded man, & by his wounds lost 2 yeares & 3, the Court *it* judgeth it meet to referre the petiçōner for releife to the comittee for wounded men.

Left Pen Tounsand is appointed cap^t of the military company in Boston w^{ch} Humfry Daury, Esq^r, was chosen formerly vnto.

Courts judgm^t
inter M^r Graf-
ton & M^r
Cheeuer.

The Court judgeth it meet to order, that no aljenation shallbe made of the reuersion of the sajd Lawthrops lands & houses by the heires of the sajd Lawthrop during the life of his relict widdow; but in case there shall appeare need for her releife, she may make hir application to the Court of that county, who shall & are heereby impowred to order the sale of any part thereof, as to them shall appeare necessary for the ends aforesajd.

[*294.]

Sarah Fosters.

*In ans^r to the petition of Sarah Foster, relict of the late Thomas Foster, of Cambridg, humbly desiring this Courts favo^r to grant hir power & liberty to sell a smale house and land, left by y^e sajd Foster, in Roxbury, for releife & supply of himself and children, the Court judgeth it meet to grant hir request, so as the petiçōner take the advice & consent of our present honord Deputy Goũno^r & M^r Joseph Dudley.

Ans^r to M^{rs}
Hesther Flynts
petiçōn.

In ans^r to the petiçōn of M^{rs} Hesther Flynt, relict widdow of the late

Mr Josiah Flynt, of Dorchester, the Court grants the petitioners request, power to grant & seale deeds, so as she take & haue the aduise & consent of W^m Stoughton, Esq^r. 1680.
13 October.

In answer to the petition of Newbery, refferring to the schoolemaster there, this Court doth order, that Mr Emerson, present incumbent in said schoole, continew, vpon the grant of this Court, vntill the next Gennerrall Court, and that then there maybe further consideration thereof, in case the toun be still vnsatisfied, and that the threescore pounds ordered by this Court be paid to said Emerson accordingly.

Ans^r to Newbery petition.
Mr Emerson continued, &c.

It is heereby ordered, that Major John Pynchon doe forthuith, and wth all expedition, repaire to Albany, and desier the advice & assistance of S^r Edmond Andros, Governo^r of New Yorke, and endeavour to prevent the insolencies & outrages that haue of late beene perpetrated by the Macquas in these parts of the country, so as for the future the peace of this colony maybe majteyned & preserued; & for the manner of their proceeding therein, he shall attend the order & instructions given him by this Court. The charge of this affajre to be supplied by the Tresurer, provided Mr Phillip Smith or Mr Jnth Russell, or whom Major Pynchon shall choose, be the men.

Major Pynchon to repaire to Albany.

To Major Jn^o Pynchon.

Yow shall wth all expedition, with suiteable attendance, repaire to Albany, and by the assistance of S^r Edmond Andros, or, in his absence, wth those that are impowred vnder him at Albany, to speake wth the Mohaukes, and acquaint them with our sence of their late actings towards the Indians & English in this jurisdiction, and treat with them according to the instructions given yow; & for your so doing this shall be yo^r warrant.

Major John Pyncho. co-mission.

*Instructions for Major John Pynchon & A B.

[*295.]

Gentlemen: —

Yow are, wth all convenient speede, to addresse yourselves, with servants as may be to accompany, and take a journey to Fort Albany, and there, with the aduise and assistance of the honno^{ble} S^r Edmond Andros, Governor of the Province of New Yorke, to endeavour a treaty wth the sachems and people called Maquars or Mohaukes, in order to the stopping of any invasions, depredation, & insolencys towards our neighbo^rs, Indians and freinds, that liue wthin this jurisdiction; in particullar, that yow declare to the Macquars the following particulars: —

Major Pynchons instructions as to the Macquars.

1680.

13 October.

1. To informe the Macquars sachems of the injurjes wee & our freinds haue receiued from some of the Macquars, or some that pretended to be Macquars, that did accompany some of our ennemjes the last summer, and to enquire whither it be knoune to them. Wee did hope they would not haue allowed any such thing, hauing put great confidence in the conclusion made at Albany, Aprill, 1677, or that they haue not attended to, or rightly vnderstood, the agreement then made wth the English, wherein it was expresly agreed not to injure or molest the Indians liuing neare us, & in freindship wjth the English.

2. That it is very ill resented by the English that they haue broke that couenant, and uithin this three yeares last past killed & captivated aboue sixty of our freinds & neighbour Indians, wthout the least injury donne by them, and also haue in this interim don wrong to the English in killing catle, and robbing houses, and marching in an hostile [^] into some of our tounes; and though wee sent messengers to them aboue two yeares since, mannifesting our dissatisfaction, and requiring the deliury of the Indian captiues taken in June, 1678, at Magunchog, vnto which they returned dilatory & dissatisfactory answers.

3^y. You shall fully acquaint them, that wee doe expect that they leaue further to disquiet any of our Indeans wthin the Massachusetts colony.

4^y. In case they shall refuse a compliyanee heerewith, yow are plainely to declare to them, that wee cannot, in honesty & faithfullnes, any longer wthhold the Indeans from vsing the vttermost of their strength jointly for their oune defence, and that wee shall account theire further procedure in a way of hostility with the Indeans vnder our gouernment & protection a contempt of this our freindly treaty wth them, and wee shall judge ourselues oblediged to consider *of such future measure as may consist wth our owne interest and their preservation.

5^y. Yow are to desier the surrender of such Indians, captiues, that are aliue, which they tooke in these parts that were our freinds.

6. If they shall promise to performe what is heerein desired, then yow are impowred to present them such a gratuity as yow think meete.

7. In case any thing present in this matter for the advantage & accomodation of the English interest, wee leaue the mannagement of that matter to yo^r wisdome & prudence to doe as yow thinke best.

Ans^r to John
Rootes peti-
tion.

In answer to the petiçon of John Rootes, late comissary at Westfeild, the Court judgeth it meete to order the Tresurer of the country to pay vnto

him, the said John Rootes, fowerteene pounds, in or as money, in full of all demands. 1680.

In ans^r to the petiçōn of Roger Billing, Alexander Marsh, & Moses Belchar, the Court judgeth it meete to refer the whole matter of their petiçōn to the next County Court for Suffolke, to examine what land is necessary to be sould for the payment of just debts; who are also heereby impowred to order the sale of so much as they in their wisdome shall see meete.

13 October.

Ans^r to Roger Billings petiçon, &c.

Jacob Nash is allowed & appointed quarter master to the Hingham & Weymouth troope.

Jacob Nash, q^rter m^r.

In ans^r to the humble request of Martha, relict & administratrix to the estate of Jacob Newell, of Roxbury, desiring power to make a deed to Thomas Lyon of a smale parcel of land hir husband sold, & received pay for it, the Court grants hir request.

Ans^r to Martha, relict to Jacob Wells, &c.

In ans^r to the petiçōn of Mary Mitchel, the Court sees no cause to grant hir request, the case mentioned hauing not binn revejwd or an appeale made on it.

Ans^r to Mary Mitchels petiçon.

Humphry Davy, Esq^r, John Richards, Esq^r, Cap^t Elisha Hutchinson, appointed, wth Edward Rawson, secretary, a comittee to pvse the acts of this Court & the lawes, & determine what to send out to the presse.

Comittee about y^e sending of y^e lawes to the presse.

In ans^r to the petiçōn of Obadiah Emons, the Court judgeth it mcete to referr the petitioner to the County Court of Suffolke for releife, if he hath had any wrong, who haue full power to act in all such cases.

Ans^r to Obadiah Emons petiçon.

*In ans^r to the petition of George & Jn^o Ingersolls, this Court confirmes to the petitioners the sixty acres apeece granted them, as they expresse in their petition, and doe refferr it to the præsidēt of said province, on such æquall conditions as he shall see meet, to grant them accomodation of tjmber for their milne.

[*297.]

60 acres of land granted to Georg & Jn^o Ingersoll a pec.

In ans^r to the petiçōn of M^r James Allen, humbly desiring a further settlement, &c, the Court judgeth it meete to referr the petiçōner for releife to the comon law.

Ans^r to M^r James Allins petiçon.

1680-1. **Att a speciall Gennerall Court, called by Warrant from Order of the
Gou'n^r and Council, on Reception of his Maj^{ties} Letter rece^d p^r
4 January.
M^r Foy, 17 Dec., 80, & held at Boston, y^e 4th of January, 1680.*
[*298.]

PRESENT,	Symon Bradstreet, Esq ^r , Goũ,	
	Thõ Danforth, Esq ^r , Dep ^t Goũ,	
	Rich ^d Saltonstall,	} Esq ^{rs} .
	Daniel Gookin,	
	Daniel Dennison,	
	W ^m Staughton,	
	Joseph Dudley,	
	Peter Bulkley,	
	Humphry Dauy,	
	W ^m Broune,	
	Thõ Sauage,	
	Jn ^o Richards,	
	John Hull,	
	James Russell,	
	Bartho ^t Gidney,	

The names of y^e deputjes retourned to srve at y^e Court were,—

M^r Jn^o Putman, Sa^t.

M^r Joseph Lynd, M^r Jn^o Cutler, Chā Tõ.

M^r W^m Sumner, Dorch.

M^r Anthõ Stoddard, Cap^t Elisha Hutchinson, Bostõ.

M^r Edw^d Morris, M^r Joseph Grigg, Roxbury.

M^r Symon Stone, Water Tõ.

M^r Edw^o Oakes, M^r Joseph Cooke, Cambridg.

M^r Andrew Mansfeild, Lyn.

Maj^r Samuel Apleton, M^r W^m Goodhue, Ipsuich.

M^r Nichõ Noyse, M^r Richard Bartlet, Newb.

Cap^t Jn^o Holbrooke, Weym.

M^r Danⁱ Cushing, Hing.

Cap^t Danⁱ Fisher, Ded.

Cap^t Edm^o Goodenow, Sudbuř.

Maj^r Rob^t Pyke, Salisb.

M^r Peter Ayres, Haueř.

M^r John Fiske, Wenh.

En^s Thõ Chandler, Andev^r.

Mr Jn^o Broune, Read.

Lfť W^m Johnson, Enš Jafi Convers, Woobo^r.

Mr Jn^o Peirson, Mr W^m Tenny, Rowł.

Capť Geš Barber, Meadf.

Capť Rič Bracket, Branť.

Mr W^m Steevens, Glocest^r.

Capť Jn^o Wayte, Mauld.

Mr Abrah Willjams, Marlboř.

Mr Jn^o Dodge, Beueř.

Capť Saň Ward, Marblh.

Mr W^m Blake, Milton.

Mr Saň Worcest^r, Bradford.

1680-1.

4 January.

AT the meeting of the Court the Gove^rno^r acquainted the Court wth the grounds of their convention, presenting his maj^{ties} letter, & causing it to be read in full Court as mett, w^{ch} letter John Mason, Esq^ŕ, brought, being dated the 30th of September, 1680.

The Court adjourned till the morning, at eight of the clocke.

The Court met the 5th of January, 1680, & so mett, and adjourned diem p diem, hauing debates & consideration of the things then incumbent. 5 January.

11th day of January, 1680, the Court mett, at 8 in y^e morning.

11 January.

Mr Samuel Nowel is allowed thirty pounds, money, to be pajd by the Treasurer, & is in recompence for his service donne to the country in the late Narroganset warrs, and in England, and this last summer in the Prouince of Mayne, as also for money disbursed at Connecticot, &c.

12. The Court judgeth it meet to order the secretary to transcribe a true copie of his majestjes last letter, of 30th September, 80, & deliuer it to the major gennerall & magistrates of the county of Essex, to make signification vnto the tertēnřs wthin the precincts of Mr Masons now clajme of his majestjes pleasure conteyned in the sajd letter, being cōvened at Ipsuich or Newbery, & this wth all conuenient speede. 12 January.

Whereas, notwthstanding what hath alrady past this Court concerning the revisall & amendment of our lawes, respecting such things as are objected against them from England, &c, yet nothing is effected, the effectuell proceeding therein being no smale part of the worke of this Court respecting our agents to be sent to England, it is therefore ordered, that the remayning part of that cōmittee, viz^t, Joseph Dudley, & Peeter Bulkley, Esq^ŕs, Mr Stoddard, & Capť Hutchinson, together wth John Richards, Esq^ŕ, Mr Joseph Cooke, & Mr Joseph Lynde, the senio^r magistrate appointing time & place, as a cōmittee,

1680-1. apply themselves to that worke, and make returne thereof to the next adjournment of this session, any former order notwithstanding.

12 January.

To the end there may be a present issue put to the matters now vnder consideration, it is ordered by this Court, that messengers or agents be chosen by papers by the whole Court mett together, to goe for England, and that the comitte chosen draw vp instructions for the sajd messengers or agents, & an addresse to his majesty to carry with them, so as they be approoved of by this Court.

[*299.]

*W^m Staughton, Esq^r, and Samuel Nowell, Esq^r, were the persons so chosen to be our agents, and that this Court be adjourned to the last Tuesday in February next, at nine of the clocke in the morning, w^{ch} was donne accordingly by the Gouverno^r.

22 February. *Att a Gennerall Court, held at Boston, 2^d Sessions, from 4th Janũ, & held at Boston on y^r Adjor^{ent} 22th of February, 1680.*

PRESENT, Symon Bradstreet, Esq^r, Gove^r,
Thoms Danforth, Esq^r, Dep^t Gov^r,
Daniel Gookin,
Daniel Dennison,
W^m Staughton,
Joseph Dudley,
Humphry Davy,
Thõ Sauage,
Jn^o Richards,
Jn^o Hull,
Safñ Nowel,
James Russell,
Bartho: Gidney.

16 March.

THE Court mett at the tyme, and after their consideration of what was before them, adjourned to the 16 of March at nine of the clocke, & so proceeded in the consideration of their weighty affaires, bein then mett diem p die.

Penalty as to
y^e law, tit. Indeans, as to
guns, &c, received.

Whereas some persons, on misunderstanding the lawes formerly made against selling armes & amñitions to Indeans, haue binn ready to transgress in that matter, this Court therefore sees cause, & doe heereby revive that law, title Indeans, sect 2, strictly inhibitting all persons from giving, selling,

bartering, directly or indirectly, gunns, powder, shott, lead, armes, or aminition, 1680-1.
to any Indean whatsoeuer, or mending or repaying gunns, &c, as in sajd law
is expressed, on the paines & pœnaltjes therein contejned, any law, custome,
or vsage to the contrary notwithstanding; provided alwajes, that it shallbe
lawfull for our cœmissioners of these colonys for the time being, by a noate
vnder their hands, to allow to our freind Indeans, for necessary vse, smale
quantitjes not exceeding halfe a pound of powder to one man at one time, and
proportionable shott or lead.

16 March.

As an addition to the law, title Inkeepers, section the first, it is ordered
by this Court and the authority thereof, that for the future the selectmen of
all townes shall approue of all persons to be licensed before licence be granted
to any of them by the County Court to keepe such publick house, or be re-
tayler of strong licquors in any of the sajd townes, & all persons shall añ-
ually renew their license at the spring Court in their respective countjes.

An addition to
yo law, tit. In-
keepers.

2. Before any license be granted, the grand jury shall bring in their pre-
sentments, and in case any licensed persons shall be presented or prosecuted
by the selectmen, or any other, for transgressing the law referring to *such
persons, and be legally convicted, besides the pœnalty which the law appoints
as a punishment for their misdemeano^r, their license shall not be renewed
vntill the fine be payd; and vpon a seccond conviction, they shall forfeit their
license; and the persons annually licensed, after the first day of October next,
shall not exceed, i. e., in Boston, sixe wine tauernes, ten inhoulders, and eight
retajlors for wine & strong licquors out of doores; in Salem, wine tauernes
two, inhoulders fower, retajlers for uine & strong licquors fowre; in Charls
Toune three publick houses and one retajler for uine, &c, out of doores; in
Ipsuich, two publicque houses and one retajler for wine; in Glocester,
two; Lynn, two; Hingham, two; Newbery, two publick houses; and in
no other toune in this jurisdiction more then one such publick house or
retajler.

[*300.]

3. It is hereby declared lawfull for any of the County Courts to punish
the transgressors of this law by fine, imprisonment, or corporall punishment,
not exceeding ten stripes for the first offence.

In answer to the petition of the cœmissioners and selectmen of Bos-
ton in behalfe of the sajd toune, this Court judgeth it meete to grant to
the sajd toune liberty for the future to send three deputjes to the Gennerall
Court.

3 deputjes may
be in Boston.

Vpon the qœstion proposed to this Court by some of the Castle souldjers,
relateing to head money, it is resolued, that the head money is to be allowed
but for one rate only in the yeare.

Head mony,
how allowed to
Castle sould-
djers.

1680-1.

16 March.
Addition to y^e
lawe for choyce
of constables.

As a further addition to the fowerth section of the law, title Touneships, it is ordered, that the inhabitants of euery toune qualified, as in the said law is expressed, may chuse any of their toune for constables, selectmen, or jurors, although not rated as is expressed in said law; and such persons as shall be so chosen, and officiating accordingly, shall for euer after haue free liberty to choose & be chosen to any of the said places and trust as any other of the said toune.

Comission officers
freedom
from constables.

Late law as to
troop's repealed.

And it is further ordered, that all military comission officers, whilst in comission, are free from being chosen constables in this jurisdiction.

It is ordered by this Court & the authority thereof, that the late law made in October last relating to troopers shall be henceforth, and is hereby repealed.

[Pages *301 and *302 are blank.]

[*303.]

Joseph Dudley, Esq^r, sarjant major.

Jⁿe Whitman
disch'dgd.

Ephraim
Hunt ensigne
of Weymouth.

*Joseph Dudley, Esq^r, is chosen & appointed to be sarjant major of all the townes in the county of Suffolke, (Boston excepted.)

John Whitman, who hath binn long an ensigne to the ffoote comp^a of Weymouth, being aged, sicke, & weake, & neuer like to come into the ffeild any more, humbly craues the Courts favour for a discharge. The Court grants his request, and doe heereby appoint Ephraim Hunt, Juⁿ, to succeed him in that place.

Comissions to
be renewed to
left & ensi.
lately under
Cap^t Hudson,
&c.

For prevention of any inconvenience wth respect to the comission officers of the company lately vnder y^e com^and of Cap^t W^m Hudson, said comissions being under him as cap^t, it is ordered, that the said commissions be renewed to them as vnder Mr Jⁿ Walley, now cap^t of said company.

Ans^r to y^e sec-
retarys motion.
34th added for
public writing,
14 of w^t left in
74 & 20th for y^e
yeare.

In an ans^r to the humble motion & request of Edward Rauson, it is ordered, that the fowerteen pounds the Tresurer demands of the secretary be chardged to the countrys account, & that the Tresurer pay him twenty pounds more in country pay, & this to be in satisfaction for extraordinary service donn, as in the peti^on, besides his sallery.

Daniel Trauis,
cheife guner in
Boston, sallery
5th p^r annu. in
country pay.

Daniel Trauis, being appointed cheeife gunner in the toune of Boston, to salute. shippes, & looke after the artillery, who hath spent much time therein, had no recompence hitherto, it is ordered, that for the future he be allowed out of the treasury fve pounds p annu in country pay, his time to comence from the first day of May last.

In pursuance of an order of the Geⁿill Court, dated 13 October, 1680, impowring us a comitte^e to part the trayned band at Charls Toune into two companyes, wee haue accordingly made as æquall & convenient diuissioⁿ as wee could, each company consisting of aboue one hundred men, lysted

souldjers, & Captaine Hamond chose one of the sajd compā, together wth his clarke, Mr John Newell, to whose hands the sajd lyst is comitted; & the roule of the other company, as it is lysted, was also left in the sajd Newells hand, desiring the honnord Court will appoint comission officers for that company, & also confirme or appoint a leiftenūt & ensigne vnto Cap^t Hammonds company, w^{ch} are not at present put into either lyst.

1680-1.

16 March.

DANI: GOOKIN, Señ,
JAMES RUSSELL,
LAU^R HAMOND.

*For the better & ffynall settlement of the two military companjes in Charls Toune, as now diuided by the order of this Court, w^{ch} sd diuission is allowed & approved of by this Court, —

[*304.]
Final settlement of y^e 2 compant of Charls Toune. Cap^t Lau. Hamond cap^t, Jn^s Phillips leif^r, Jn^s Call ensigne, to y^e 1st company.

It is ordered, that Cap^t Lawrence Hamond be captaine of the first company in Charls Toune, & that John Phillips be his leiftenūt, and John Call his ensigne.

And that Cap^t Richard Sprague be captaine of the other company, and that John Cutler, Señ, be his leiftenūt, & Joseph Lynde his ensigne.

Rich^d Sprague cap^t of y^e 2^d compa., &c.

And that the secretary issue forth comissions to the sajd officers accordingly.

It is ordered, that W^m Haskall be leiftenūt, & James Dais, Señ, his ensigne to the trayned band in Glocester, & that comission issues out accordingly.

Military officers for Glocester, W^m Haskall leif.

In pursuance of the resolute of this Court to send two agents for England, John Richards, Esq^r, is chosen & appointed to be the other agent in the roome of W^m Stoughton, Esq^r.

Jn^s Richards, Esq^r, agent.

It is ordered, that there be a quarter of a single country rate raised for the present supply of our agent or agents, to defray the charge of the management of the countrys affajers they are chosen to, w^{ch} rate shallbe paid in mony by the last of Aprill next.

1681.

29 M^{ch}, 1681, 4 rate.

In ans^r to the petition of the comittee of Marblehead, Moses Mauerick, Sam^l Ward, Richard Norman, & John Legg, humbly desiring the remittment of their fine of tenn pounds for not complying wth the order of y^e major genn^{ll}, for not sending their number of souldjers in the time of warr, the Court judgeth it meete to remitt the one halfe of the sajd fine.

Comittee of M^{ble}heads fine of 10^{li}, 5s only remitted.

1681.

11 May.

[*306.]

**Att a Gennerall Court of Elections, held at Boston, 11th of May, 1681.*

SYMON BRADSTREET, Esq̃, was chosen Gouvernor ffor the yeare ensuing, & tooke his oath.

Thomas Danforth, Esq̃, was alike chosen Deputy Goũno^r, & tooke his oath, 1 coĩmission reserv.

Richard Saltoñ, Esq̃, was chosen an Assistant,

Daniel Gookin, Señ, Esq̃, was chosen an Assistant,

Daniel Dennison, Esq̃, was chosen an Assistant,

John Pynchon, Señ, was chosen an Assistant,

William Stoughton was chosen an Assistant,

Joseph Dudley was chosen an Assistant,

Peter Bulkley was chosen an Assistant,

Nathaniel Saltonstall was chosen an Assistant,

Humphrey Davy was chosen an Assistant,

W^m Broune, Señ, was chosen an Assistant,

Thomas Savage, Señ, was chosen an Assistant,

John Richards was chosen an Assistant,

John Hull was chosen an Assistant,

Samuel Nowel was chosen an Assistant,

James Russell was chosen an Assistant,

Peter Tylton was chosen an Assistant,

Bartholmew Gidney was chosen an Assistant,

Samuel Apleton was chosen an Assistant,

& Major Gennerall.

1st & coĩmissioner

2 coĩmissioner.

Esq̃s.

& Tresurer.

Edward Rawson was chosen Secretary.

Salem : M^r Samuel Gardiner, 1 s̃.

Charls Toũ : Cap^t Lawrenc Hamond, 1 s̃, Cap^t Richrd Sprague, 1 s̃.

Dorchester : M^r W^m Sumner.

Boston : M^r Anthō Stoddard, Cap^t Elisha Hutchinson, M^r Elisha Cooke.

Roxbury : M^r Edw^d Morrice.

Water Toune : M^r Symon Stone.

Cambridg : M^r Edward Oakes, M^r Edw^d Winship.

Lynn : M^r Andrew Mansfeild.

Ipsuich : M^r W^m Goodhue, 1 s̃, M^r Jonath Wade.

Newbery : M^r Richard Bartlett.

Weymouth: Cap^t Jn^e Holbrooke.
 Hingham: Cap^t Joshua Hubbard.
 Dedham: Cap^t Daniel Fisher.
 Springfield: M^r Joseph Pynchon.
 Concord: Cap^t Th^o Brattle.
 Salisbury: Majo^r Robert Pike.
 Haverhill: M^r Daniel Hendricke.
 Wooborn: Left W^m Johnson.
 Gloucester: Left W^m Hascall.
 Braintree: Left Edm^o Quinsey.
 Maulden: Cap^t John Wayte.
 Rouley: Samuel Plat, 1 s.
 Northampton: Left W^m Clarke, 1 s.
 Hadley: Left Phillip Smith.
 Marlborow: M^r Abraham Willjams.
 Meadfeild: Ensiġ Sañ Bullejne.
 Beverly: Left Paul Thorndicke.
 Milton: M^r Robert Tucker.

1681.

11 May.

At this sessions Cap^t Daniel Fisher was chosen Speaker.

*This Court, taking into their consideration the law, title Catle Rated, made in October last, see cause to repeale the same, and it is heereby repealed to all intents & purposes, so far as it relates to such as are in confederation with us.

[*307.]

Law ab^t custom for catle repealed, referring to o^r confederates.

The honnored Thomas Danforth, Esq^r, our present Deputy Governo^r, is ellected & appointed president of the Province of Majne for the yeare ensuing.

Tho. Danforth, Esq^r, president for y^e Province of Majne.

Majo^r Pynchon, Majo^r Sauage, & Sañ Nowell, Esq^s, wth Majo^r Pike, Cap^t Sprague, Cap^t Wayte, & Left Johnson are appointed a comitte to inquire concerning the present state of the Prouince of Majne, & the settleñt of Fort Loyall, & to consider what is necessary further to be donne for the maintenance thereof, and to present the same to the Court forthwth.

Comitte ab^t the Province of Majne.

1. The return was for the province itselfe. Wee cannot as yet, by any inquiry, satisfy ourselues so as to give information to the Court what it may produce.

Their returne.

2. For the fort, wee aprehend a needfull that it should be continued or defended, both for the securing of the people in these parts against the Indians

1681.

11 May.

and any bad neighbours, & also from the encouragement that people take from it to replant themselves there.

3. In order to the mainteyning or defence of that fort & place, wee judge there cannot well be less then thirteen men, viz^t, a capitaine, a sarjant, a gunner, & tenn private souldjers.

4. Wee are informed that the people of that province are so sencible of the bennefit to themselves that they are uilling to maintaine six private souldjers.

5. The remainder of the charge for the captains sallery, sarjant, & gunner, and fower souldjers, wth a magazine, will ammount to fower hundred pounds p annū, in country pay.

6. Wee hope something to ease this burthen may be rayseed out of the bevar trade, and from the sawmills, & some other ways, which may, in a litle time, wholly ease the colony of this present burthen.

Signed, JOHN PYNCHON,
in y^e name of y^e co^mittee.

The Courts approbation thereof & order y^e upon.

The Court, hauing perused the returne of the co^mittee, & doe approve of it, and order, that Fort Loyall be maynteined at the charge of this colony, provided the province maintejne sixe souldjers, and the honored præsidēt is desired to take care of it, that it be maintejned wth as litle charge as may be.

An^s to Mary Noyes, late Willards, petition, 100.3 acre land grant. 6 youngest children of Major Willard.

In an^s to the petition of Mary Noyes, relict of the late Major Symon Willard, the Court judgeth it meet [^] y^e peti^cōner, for & on behalfe of the six youngest children of the late honored Major Symon Willard, one thousand acres of land, in any free place beyond Nashaway Riuer, & doe hereby order, that the land heereby granted remajn vndisposed off vntill all the children aabout mentioned attayne to the age of one & twenty yeares old.

[*308.]

Order as to the townes sea wall.

*Whereas, vpon the proposall of the honnoured council vnto the select men of the toune of Boston for securing said toune against a co^mon ennemy, and said selectmens proceedings & grant therevpon, and the vndertakers ingagemēt in order therevnto, and said councils approbation thereof, together wth said selectmens explanation of sd grant, & the vndertakers additionall agreement to compleate their worke, now presented to this Court, it appeareth that, at the great cost, paines, & hazard of said vndertakers, a sea wall hath binn built, and almost finished, for the safety of said toune & this his majestjes colony, — now, forasmuch as said wall will require much care, charge, & vnanimitey of the vndertakers to compleate & maintejne the same

for want thereof great damage hath acrewed to the worke, and which may endanger all, —

1681.

11 May.

Vpon the motion of the vndertakers of the out worke or wall before the toune of Boston, to the seaward, it is enacted by this Court & the authority thereof, that said vndertakers, their heires, executo's, administrato's, & assignes, or major part of them, shall haue power to make orders for finishing and preserving the said wall, the regulating of themselves, and appointing persons among themselves to mannage their affajres, who shall haue power to heare & determine controversyes among themselves, & to impose fines on transgressors among themselves, *and to impose fines on transgressors among themselves*, not exceeding twenty shillings at a time, and to implead in any Court of this county of Suffolke any of themselves that shall not pay said fines, or any other person that shall damnify said wall.

Sarjant James Hill is chosen & appointed ensigne to the ffoote company in Boston now vnder the comand of Cap^t John Walley. James Hill ensigne.

Thō Colton is appointed ensigne to the ffoote company at Springfield; Thō. Colton ensigne.
Ensigne Jn^o Hayward is appointed leiftenūt to the foote company vnder the comand of Cap^t Elisha Hutchinson. Jn^o Hayward left.

Ensigne Ephraim Scarle is appointed leiftenūt to the foote company in Boston vnder the comand of Cap^t Pen Tounesend. Ephraim Scarle left.

Srj^t Symeon Stoddard is appointed ensigne to the ffoot company vnder the comand of Cap^t Pen Tounesend, & to haue his comission when he hath his freedome granted him by y^e Court. Symeon Stoddard ensigne to Cap^t Tounesend.

Sarj^t Bozoone Allen is appointed ensigne to a ffoot company in Boston vnder the comand of Cap^t Elisha Hutchinson, & to haue comission when he hath his freedom granted him by the Court. Bozoone Allen ensigne to Cap^t Hutchinson.

John Patch, of Beuerly, is appointed ensigne to the ffoot company at Beuerly vnder the comand of Cap^t Willjam Dixie. Jn^o Patch ensigne at Beuerly.

*It is ordered by this Court, that the comanders of the seuerall troops of horse in this colony doe, wth all convenient speede, relyst such troopers as haue disbanded themselves from their respective troops, (vnder countenance of a law now repealed,) who are able & sufficjent for, & willing, to attend the cuntryes service therein. [*309.]
Order for relisting of troopers.

Right Honno^{ble}: —

His majesties great goodness & favour in giving vs a further oppertunity to attend him in the affajres of this his colonje, expressed in his gracious letter bearing date the 30th of September, 1680, — Courts letter to Sr Lionel Jenkins, knt., one of his majj^{ty} secretary of state.

Wee, with most humble thankfulness, acknowledge; and that wee may

1681.

11 May.

not be reflected vpon as those that make very vsuitable returnes therevnto, we haue taken the boldnes to trouble your hono^r with the ffollowing account of our proceedings, whereby wee hope so great an infelicity maybe preuented, and which, though it may seeme late, yet is by the first from hence, except one ready to saile when his majestjes co^mands were receiued by vs.

Vpon the receipt of his majestjes sajd letter, (though at a season, in regard of the extremity of the cold & snow, very difficult for the freemen, espetially those remote, to assemble in,) the Governo^r forthwith su^moned a Gennerall Court, which being mett January the fowerth, and his majestjes letter co^municated wth all duty & regard, the contents thereof were taken into serious consideration. And, in the first place, wee appljed ourselves to the choice of agents, that they might haue timely notice to prepare themselves for that service, so as to be ready to imbarque vpon the first opportunitie.

Wee considered of instructions for them; wee carefully perused our whole booke of lawes, pursuant to the exceptions made to some of them by M^r Attorney & M^r Solicito^r Gennerall, when our late agents were attending his majesty, and their informations given us since their retorne home, wherein wee haue made a considerable progresse towards a conclusion.

Wee also published his majestjes pleasure to those villages of this colony on the south of Merrimacke, some part whereof M^r Mason makes his pretensions vnto; but what are his bounds & lⁱmits wee nor the inhabitants there doe not know, but are in hope that what may be presented to his majestje on their behalfe willbe sufficient to obuiate the clamour & groundles pretenses of the complajner.

[*310.]

But so it is, right honno^ble, that wee finde it no easy matter to prevajle with persons in any degree qualified to vndertake such a voyage at this tyme; and though seuerall elections haue been made, wee haue not as yet obtained the consent of any. The present calamity of others of this country, now slaues in Algeire, (and one of them an agent from one of his majestjes colonies heere,) not yet ransomed, doth greatly discourage, especially such as liue in good credit & condition.

And truely, s^r, should persons vnder such a charrecter be taken, wee haue cause to beleive their ransome would be so high that it would be hard for us to procure it amongst a poore people yet labouring vnder the burthen of the arrears of our late warr wth the Indeans & other extraordinary charges not yet defraied.

S^r, wee doe not vrge this as that which hath kept us from o^r duty, but only as an inconvenience that meets vs in the discharge of it. Wee doe not take ourselves to be disoblged; wee haue not departed from o^r resolutions;

but hope, the premisses considered, (wthout mentioning other ill circumstances w^{ch} wee are attended with in this affajre,) that the lapse of time will not be reflected on as proceeding from the want of loyalty & allegiance in us, which wee humbly professe that wee will alwayes beare to his most sacred majestje, and will the rather hope for his *his* majestjes pardon therein, for that wee vnderstand his majesty^s time is still taken vp in those weighty affajres (especially relating to the horrid & execrable Popish plott) w^{ch} were the cheife occasion of his dismissal of our former agents; so that wee haue ground to feare that our attendance at present may be troublesome to his majestje and vnprofitable to ourselues.

Right honno^{ble}, wee humbly pray that this our addresse may be accepted and taken in good part by your honno^r, and that yow will please to fauo^r vs, his majestjes most dutyfull & obedient subjects, wth a representation of our present condition heerein conteyned, that wee may not incurr his majestjes displeasure, nor be thought regardless of his comānds, wherevnto wee haue binn assembled in Gennerall Court, endeavo^{ring} to give euidence of our obedience.

Herein yow will foreuer obleige to pray for yo^r happiness,

Right honno^{ble},

Your most humble servants.

EDWARD RAWSON, Secre^{ty}.

In the name & by the order of the Gou^{no}r & Company of the Massachusetts Bay in New England.

Dated in Boston in N. England, June 3^d, 1681, & was subscribed, To the Right Honno^{ble} S^r Lyonel Jenkins, Kn^t, one of his maj^{ties} principall secretarjes of state, these humbly present. D^d. M^r Bulkley was sent in M^r Edwards.

*In answer to the petition of the Reuerend M^r Jn^o Sherman, the Court [311.] judgeth it meete to order, that W^m Stoughton, Joseph Dudley, Peter Bulkley, & John Richards, Esq^s, Cap^t Jn^o Wayte, Lef^t Edw^d Winship, Lef^t W^m Johnson, Cap^t Thomas Brattle, & Cap^t John Holbrooke be a com^{it}tee to repaire to Water Toune, and on a due hearing & consideration of the case, make their returne to the next session of this Court in October, what they finde therein, in order to a fynall issue thereof.

In ans^r to the petition of Rebeckah Errington, relict & administratrix on the estate of the late Abraham Errington, the Court judgeth it meet to referr

A com^{it}tee in ans^r to M^r Shermans petition.

Ans^r to Rebecka Erringtons petition.

1681.

11 May.

Ans^r to Mead-
feild petiçon on
motion by Jn^s
Patrigg, &c.

the petitioner to the County Court of Middlesex, who are impowred to act therein, & to order the sale of such lands as shall be necessary for the ends proposed by the petitioner.

Ans^r to Sarah
Sanfords peti-
çon.

In ans^r to the motion of Jn^s Patrig, Wm Allin, &c, of Meadfeild, it is ordered, that the aboue mentioned rates exprest therein be abated to the petiçion^{rs}, is to be vnderstood as well money as other pay.

In ans^r to the petition of Sarah Sandford, relict of Jn^s Sanford, the Court judgeth it meet to referr the petitioner to the County Court in Suffolke, who is hereby impowred to act therein for the impowring the petitioner to make sale of such part of the land as may answer the end proposed to pay the just debts.

Ans^r to Henry
Kemles peti-
çon of Hauer-
ill.

Vpon the motion of Henry Kemble, administrator of Thō Dow, of Hauerill, deceased, that some of the lands by him, the said Dow, left, may be sold to pay his necessary debts, the Court doth grant him power so to doe, taking the advice of Lef^t Broune & Wm White, of Hauerill, making returne of his acts to any County Court in Essex, for their approbation, vpon seeing the necessity pretended cleered vp to them.

Ans^r to Mr An-
tipas Newmans
petiçon.

In ans^r to the humble motion of John Newman, administrator to the estate of Mr Antipas Newman, of Wenham, deceased, the Court judgeth it meet to grant the petiçioners request exprest in his motion, referring it to the County Court of Essex to approve & confirme the sale of some land for the ends therein exprest.

Ans^r to y^e pe-
tiçon of M^{rs}
Elisa Winsleys
petiçon.

In ans^r to the petiçon of M^{rs} Elisabeth Winsley, relict & execcutrix to hir husband, Jn^s Winsley, humbly desiring the favour of this Court to grant hir liberty to sell a parcell of land mentioned in hir petiçon, it not being intayled, but a mortgage forfeited, the Court grants hir request.

Courts impowr
M^r Nath^l Bos-
worth to ad-
min^{ter} oaths
& to marry, &c,
at Hull.

In ans^r to the petiçon of Nathaniel Bosworth, in behalf of the freemen, & Isaack Lobdell, on y^e behalf of y^e selectmen, the Court judgeth it meet & doe heereby impower Sarjant Nathaniel Bosworth, of Hull, to administer oathes in the toune, and to marry persons there, provided one of the said persons be an inhabitant amongst them, and that they be published according to law.

[*312.]

Ans^r to Faith
Jacksons peti-
çon.

*In ans^r to the petiçon of Faith Jackson, this Court impowers the County Court of Suffolke to grant the petiçoner full power to sell so much land as may answer the just debts.

Ans^r to M^r
Jonathan
Wades petiçon.

In ans^r to the petiçon or motion of M^r Jonathan Wade, on behalf of himself & Mary Symonds, his daughter, the Court respits the consideration thereof till the next sessions, in October, when the parties concerned may be present if they will, & that the secretary give timely notice to all persons

concerned then to appeare to attend the Court for a determination of that matter. 1681.

In ans^r to the motion & peti^con of W^m Stoughton and Joseph Dudley, the Court judgeth it meete to grant this motion, and doe further desire & impower the wo^rpff^l W^m Stoughton & Joseph Dudley, Esq^s, to take particu-
lar care & inspection into the matter of the land in the Nipmug country, what titles are pretended to by Indeans or others, and the validity of them, and make returne of what they find therein to this Court as soone as may be.

11 May.
Ans^r to W^m Stoughton & Joseph Dudleys motion & Indians peti. annex.

Quest: Whither constables in townes, & clarkes of the trayned bands, & such like officer as may be appointed to collect rates or fines, are not to execute all warrants from lawfull authority for levying of such fines & rates, if not comitted to any former officers, although due before such constable, clarke, or other officer were sworne, the Court resolves this question on the affirmative.

Courts resolve to y^r quest. ab^t constables & clarks to collect rates.

Sarah Onnamaug, widdow & relict of Onnamaug, deceased, late ruler & sagamore of Whip Sufferage, the Indian plantation nere Marlborow, hath liberty from this Court to sell & alljenate vnto any English person that uill buy the same, hir late husbands home lot & orchard, wth about sixty acres of woodland & meadow adjoyning to the same, so that the whole exceed not one hundred acres, provided Majo^r Gookin & M^r Elljot consent and approvee the bargaine on behalfe of the Indian woman, & order assurance to lay out the land, & the payment to be secured for the sajd widdow, for the maintenance of hirself & children. The Court doth grant the peti^coners request heerein, it being instead of what grant is mislayd.

Courts grant to Onnamaug, India^r widdow.

Ordered, that there be a conference of both houses y^e afternoone with A conference. reference to the dispatch of our agents to England.

In ans^r to the petition of John Griggs, of Roxbury, the Court grants the peti^coners request, and accordingly W^m Stoughton, Esq^r, as administrato^r, is impowred to passe a deed for the same.

Ans^r to Griggs peti^cion.

Ensigne W^m Busse, of Concord, is appointed leftennant to the floote company at Concord, vnder the comānd of Peter Bulkley, Esq^r, captaine.

W^m Buss, ensigne, now leftennat.

Sart Jeremjah Beale is appointed ensigne to a foote company in Hingham, vnder the comānd of Capt^r Joshua Hubbard.

Jerr. Beale ensigne.

*This Court, being informed that M^r Samuel Worcester, who, in the winter last, dyed vpon the road in his journey to the Court as deputy, was constable for Bradford, & had not finished the collecting of the rates in his time comitted to him, doe order the selectmen of that place [^] doe their vtmost to finde out what was by him collected, & that what they cannot find donn be

[*313.]
Bradford rate, how to be collected, &c.

1681.

11 May.

Ans^r to Jn^e
Seueranc peti-
cion.

by them comitted to the present constable, who is heereby impowred & required to collect the same as if made in his yeare.

In ans^r to the humble petiçon of John Seueranc, of Salisbury, the Court judgeth it meet to order, that the three tounes late of Norfolke remayning forthuith, by rate, doe make payment of their proportion of that account, & that Cap^t Saltonstall & Majo^r Pike is to inspect the same, that it be speedily donn, and reffer the petiçoner for his remedy ag^t ~~the Treasurer, M^r Delton, that signed the same account,~~ and as to the remajnder the country Treasurer pay the same.

Ans^r to Andi-
uer petiçon.

In ans^r to the petiçon of Cap^t Dudley Bradstreet & other y^e select men of Andiver, the Court judgeth it meet to reffer the petiçoner for resolution in this case to an order made in ans^r to a petition from Melton, in May, 1678, where there is full provission made touching all such matters.

Ans^r to Mary
Phillips peti-
cion.

In ans^r to the petiçon of Mary Phillips, the Court judgeth it meete to grant the petiçon, provided that Cap^t Hamond, Cap^t Sprague, & Cap^t Wayte concurr in y^e sale of the wood lotts mentioned in sd petiçon.

Ans^r to Jn^e &
Robt Bloods
petition.

In ans^r to the petiçon of John & Robert Blood, the Court judgeth it meet to reffur the full issue of this case to the County Court in Midlesex, the order of the Gennerrall Court being attended.

Ans^r to y^e se-
lectmen of
Newberys peti-
cion.

In ans^r to the petition of Nicholas Noyes, Samuel Plumer, &c, selectmen of Newbery, humbly desiring that, being agreed, the late order for the payment of sixty pounds p annũ to their then schoole master, may be recalled, the Court judgeth it meet to grant the petiçon.

Ans^r to Joseph
Whites peti-
cion.

In ans^r to the petition of Joseph Whyte, of Mendon, the Court judgeth it meete to allow the petitioner forty shillings money in full of his clajme, he hauing neglected his due season of obteyning payment.

Ans^r to Sam.
Reads petiçon.

In ans^r to the petiçon of Samuel Read, late constable of Mendon, the Court judgeth it meet to grant a remission of the sajd three pounds twelve shillings mentioned in his petiçon, as a remajnd^r of two rates not to be obtayned, &c.

Ans^r to Bar-
tholomew
Heaths peti-
cion.

In ans^r to the petition of Bartholmew Heath, the Court judgeth it meete to reffer the petiçoner to the County Court in Essex, impowring them to act therein as they judge just & æquall.

[*314.]

Ans^r to Sam-
uel Ruggles
petiçio.

*In answer to the petition of Samuel Ruggles, Señ, of Roxbury, Joseph Dudley, Esq^r, M^r Thomas Weld, & M^r John Bowles are appointed to vejw the land offered to sale, & the petitioner impowred, wth their consent, to passe deeds for the same, so as the guardians for the children of Jn^e Bridge be joyned to the sajd comitte, to see that the debt be justly due, & no more land sold then is necessary for y^e payment aboucōd.

In answer to the petition of Elisabeth Maning, wife of Nicholas Maning, it is ordered, that what estate can be found of Nicholas Maning, either in possession or reuersion, be secured by the County Court at Salem, & by them disposed of for the petiçōners maintenance and support from time to tyme, as they shall thinke fitt.

1681.

11 May.

Ans^r to Elisabeth Mannings petiçōn.

In ans^r to the petiçōn of Jn^o Man, Thomas Skinner, W^m Hoare, & George Davison, loafe bread bakers in Boston, the consideration thereof is referred to Major Thomas Sauage, & John Hull, Esq^s, M^r Stoddard, Cap^t Brattle, & Cap^t Hutcheson, to heare & examine the ground of their complaints in their sajd petition, & to consider of such wayes & meanes as may ease their complaints, if it ^{is} just, and to propose that which may regulate for the future, & to make returne thereof to the next session of Court in October.

Ans^r to y^e loafe bread baker petiçōn.

In ans^r to the remonstrance & petiçōn of the loafe bread bakers in Boston, the Court judgeth it meete to reffer it to the cōmittee already chosen, ^{and} their consideration, they making returne to the Gennerall Court.

Bakers remonstrance referred, &c.

In ans^r to the petition of Nathaniel Stow, of Concord, the relict & executrix of the late Willjam Fletcher is impowred to make the petiçōner a deed of sale of sajd house & lands mentioned in the petiçōn.

Ans^r to Nath. Stows petiçōn.

Nathaniell Felton is appointed to be leiftenānt to the foote company in Salem, vnder cōmand of Cap^t Jn^o Coruin, and Israel Porter is appointed his ensigne, who is to officiat in y^e place till he be a freeman, & then to haue cōmission.

Nath. Felton left, & Israell Porter ensigne to Cap^t Corwin.

The Court, being informed that Leiftenānt W^m Clarke, Cap^t Aron Cooke, & Leiftnānt Phillip Smith are nominated by y^e freemen of Hampshire to be associats for that county for the yeare ensuing, the Court allowes & approoues of them so to be.

Hampshire associates.

Joseph Dudley & Jn^o Richards, Esq^s, are appointed to joyne wth James Russell, Esq^{re}, & Tresurer, to compound wth the ordinarjes for their licenses.

Cōmittee abt licenses.

In ans^r to the petition of Samuel Wentworth, the Court judgeth it meet to order the Tresurer to pay the petiçōner thirty pounds in money.

Ans^r to Samuel Wentworths petiçōn.

In ans^r to the petiçōn of Richard Hutton, the Court judgeth it meet to grant the petiçōners request, & orders Cap^t Jn^o Hull, late Tresurer, to allow y^e petiçōner three pounds on the rate account.

Ans^r to Ric. Huttons peti.*Gent^l: —

[*315.]

Major Pinchon hath given vs account of a late suite cōmenced in your Court at Hartford, & judgment therevpon granted to M^r Bulkley against him for about fuetty pounds in money, which debt was contracted for the cure of a souldjer wounded in the late war, of which matter wee are also further acquainted by letter from your Governo^r vnto ours, which haue binn cōmunicated

Generall Courts letter.

1681.

11 May.

to us. Wee haue also perused the conclusions & agreement of the comissioners of the Vnited Colonjes, holden at Plimouth, wherein it is agreed expressly that each colony pay such debts as are yet standing out to their oune inhabitants, &c. To insert the whole of that article is needless, it being before you vnder your oune hands as well as vnder ours.

Wee are deeply sorry that wee haue a necessity plainly to say vnto you, who are our brethren as well in religion as civil confederation, that there is a plaine & mannifest breach in your allowance & countenance of the fore recited suite, so directly opposite to that agreement. Wee haue been made sencible by our comissioners, who assisted in that meeting, how imperfect your accounts were, and how vnreasonable to be allowed in strict justice, had not a resolution binn in them, to haue compljed vpon any termes, besides their sincking of too greate a sume to be mentioned justly due to ballance; after all which, for yourselues to allow such a suite & issue is most vnreasonable. And wee must plainly say wee are vtterly vnsatisfied wth your Gouverno^rs account thereof, especially when he vrgeth our respect and meere favour don to M^r Bulkeley, vpon complaint of your neglect of payment to order him fourty pounds, as if therein wee confessed judgment against ourselues, when, in deed, the guesse is so wide from the true cause, and so ill construction & vse made thereof, that wee haue aduised and agreed a retrenchment of that order, and resolved to lett yow take your owne way to an issue, if yow judge best, that so wee may see how to take our oune measures, and know what wee haue to trust vnto, since such solemne contracts are not sufficient to oblige vs each to other, not pleasing ourselues wth an extrienniall meeting, since the issue of the last is no more avajle. Wee might instance some other breaches in lawe made by the sajd judgment, as that, in the account, the Massachusetts colony is chardged debto^r, whiles the processe & judgment is against Majo^r Pinchon;

[*316.] that the *judgment is money, when no such contract appeares, which are plaine breaches, but inconsiderable to be mentioned wth the violation & breach of the comon faith & vnion that is betweene vs in the confederation, which wee haue hitherto holden sacred & inviolate.

Wee are also, by our comissioners, given to vnderstand the strainge issue of your former resolution of ruing the l^{ine} betweene yo^r colony & ours, wth wee were so much urged wth the last yeare. Wee did alwayes, both then and now, judge that matter well enough settled, but compljed for your satisfaction to haue made a further discouery & ascertening thereof, but are acquainted by the gentlemen appointed to attend that service that by some of your majestates the last yeare, the matter was indirectly dismissed, wthout any just reason assigned, by all which wee are made doubtfull least some other princi-

ples doe now governe your motions then that plainness, & candour, & respect that was heeretofore betweene these colonjes, and which wee hope is still remaining wth ourselves at least, hath been in the abovesajd transactions.

Wee haue not to add but to intreat your oune just reflections vpon these things, with our earnest prayers to Almighty God that while so many are vnjustly our ennemjes, & seeke our ruine, himself may not, by such things as these, be provoked justly to take a part against us, & to stirr vp such an evil spirit as like fire may deuoure us, to the satisfaction of such as say, 'So would wee haue it.' Thus, gent^l, hauing given yow our plaine sence of these affaires, desiring the guidance & blessing of Almighty God, wee are,

Your freinds & confederates,

EDW^d RAWSON, Secre^t.

Signed by order of the Go^uno^r & Gennerall Court.

Boston, 17th May, 1681.

In answer to the petition of Joseph Bernard, of Hadley, it is ordered, that the Treasurer pay the peti^{ti}on^{er} thirty seven shillings & sixpence.

Ans^r to Barnards pet.

In answer to the peti^{ti}on^{er} of Abraham Gale, humbly desiring this Courts favo^r to passe their allowanc & confirmation of his sale of 2 or three smale parcell^s of land left out of his late father Richard Gales will, he being his sole executo^r, & being to pay debts, w^{ch} came to about eighteen pounds, as in sd peti^{ti}on^{er} is exprest, &c, the Court judgeth it meet to grant his request.

Ans^r to Abraham Gales peti

In ans^r to the peti^{ti}on^{er} of Kathrine Bell, of Charls Toune, administratrix to the estate of hir late husband, Abraham Bell, humbly desiring the favo^r of this Court to grant hir liberty to sell the house & land of hir late husbands, that so the children being brought vp, the produce thereof may be divided amongst hir children, reserving a double portion thereof for hir eldest son in England, &c, as in sajd uill is exprest, the Court judgeth it meet to grant the request.

Ans^r to Kath-
erin Bells peti-
con.

*Major Jn^o Pynchon this day made his returne of the Macquars finall conclusion of peace, w^{ch} was ordered to be recorded, & was as follows:—

[*317.]

27 May, 1681.

The Macquars answer to Majo^r John Pynchons propositions, 9 Novemb^r, 1680, Arnought Cornelisen, vidl^e interpreter.

Major Pin-
chons returne,
in p'sence of
Cap^t Brock-
holes, Major
Pynchon, the
magistrats at
Albany, Der-
ick Wessell, D.
Van Dycke.

They say: Brother Pynchon, wee are glad that wee see yow heere againe, like as wee did see yow 4 yeers past, and wee vnderstand your proposition therein, in yow order vs to vse the axe no more against the Indians eastward, & give yow great thanks for the presents & gifts; and by this time there is not many Indians at home to make vp many belts of wampam, but wth the few that wee brought wth us in the afternoone shall giue yow answer.

1681.

27 May.

In y^e afternoon they desired to consider of their ans^r till next morn^g, because they said many hard things were spoken & resolved on, w^{ch}, because of y^r present, or they must speake well too.

The names of y^e Sakemaks, Canondon-dawe, Odeajne, Onegahae, Onawastoex, Tawengo, Neganaquenda.

Brother Pynchon, your journey that yow haue don wee vnderstand that it hath been tegious, & wee are glad that wee haue heard yow speake the like 4 yeares past in this house of Courler, ower brother, and haue spoken concerning the couenant, so haue wee yesterday understood, 1. with a great gift, & concerning ower young Indians, that they should a don any mischeife, they are not all times by there sence & reason, and doe present y^e wth a belt of zewant, ¹⁴fouerteene heij.

2. All that was spoken yesterday in the Gouverno^rs house shall not be broken on our side; wee haue made a couenant wth our Gouvern^r, and also wth the Goûn^r of Cannida, the which wee shall continually keep whole; let this be also, which shall not be wanting of ower side; and doe you take care that yow be not ashamed, vpon which wee should also be ashamed, & looke that wee posible one time or other doe not find one of ower children ded, therevpon lay doune one belt zewant, ¹²twelue heij.

3. Yow haue yesterday spoken of your Christian Indians that should be vnder vs prisoners; it is not so large as you thinke; it is true there is sune, but they are no prisoners, but free, & giuen ouer to them that receive them as there children, therefore very hard to deliuer them backe againe; but you doe well that you demand them, but wee cannot promise them, being it is so hard from any man to part from flesh and blood; therevpon lay doune a belt of zewant ¹⁴fouerteene heij.

[*318.]

Conclusions of peace betweene the Macquars, y^e goûm^r, & our freind Indians.

*4. Wee haue had a long time of warr wth them nations in former yeares, & at that time haue received many damages, wth a great losse of ouer Indians, & afterwards come to a peace wth a great gift; but now in these last warr, wee are set on by you & the Goûn^r ower brother, and what wee haue donn as servants for the defence of ower brother Pynchon; but now wee vnderstand that it is peace between the Christians & there Indians there, & wee are ordered to lay doune the axe, which wee doe with gladnes, for we haue neuer had any delight in this warr, but haue donn it as servants & souldjers; there vpon lay doune a belt of zewant, ¹⁷seventeene heij.

5. What was spoken here let it be made knoune throug^h your whole cuntry, and to all that may come to yow from other places; if yow cannot vnderstand there languidge, then vse a interpreter that cann speake there languidge, that it may goe though there eares, as wee doe here by the Goûn^rs interpreter. 10 November, 1680.

Coppy out of the Dutch by me,

RICH^d PRETTY.

Copia vera. Attest^r p ord^r,

EDWARD RAWSON, Secrety.

It is ordered, that Major John Pyncheon, Esq^r, for his great paines in his hard journey last winter to the Macquars, & concluding a peace wth them, be paid twelue pounds money.

In ans^r to the petiçon of Abigaile Kelog, the Court judgeth it meet to order the Treasurer to pay the petiçoner tenn pounds in country pay on the generall account of Hadley.

In ans^r to the petition of Phillip Smith, Chilljab Smjth, & Samuel Patrigg, guardians to the orphan children of the late Jn^o & Mary Smith, deceased, humbly desiring the favo^r of this Court to grant them liberty to sell a smale ædifice w^{ch} is decaying, & noways like to be any wayes profitable for the bennefit of sd orphans, the Court judgeth it meet to grant this their request.

In ans^r to the petition of the proprietors of Dearefeild, by W^m Clarke, by ord^r from sd proprietors, the Court judgeth it meet to empower the comittee appointed by y^e County Court of Hampshire to act therein, for the better regulation of y^e prudential affaires there, vntill that Court take further order for another comittee, who are hereby impowred so to doe.

* It is ordered, that the troopers remayning in those townes in this colony belonging to the late county of Norfolke, still be & remajne vnder the comãd of Major Robert Pyke, & that he hath liberty granted him to lyst such into his sajd troope as shall be willing to be lysted out of the other townes in the county of Essex, being qualified according to law. It is likewise ordered, that Cap^t Willjam Broune haue like y^e liberty of lusting to make vp his troope in Salem to the number of 64, besides officers, & that those that doe list in the sajd Major Pikes & Cap^t Brounes troopes be not such as are already listed in any other troope.

In ans^r to the petiçon of M^r Anthony Checkley & his quæstion therein proposed, the Court declare that the petiçoner ought to beginn his action by revejw in a County Court, as is vsuall in other cases.

1681.

27 May.

Major Pynchons recompence for going to y^e Macquars, &c.

Ans^r to Abigaile Kelogs petiçon, & 10th to be p^d.

Ans^r to Let^s Smith & other guardians to sell house, &c.

Comittee as to Dearefeild, &c.

[* 319.]

Major Pikes liberty, how to lyst troops.

Cap^t W^m Brounes liberty in like mann^r.

Ans^r to M^r Antho. Checkleys petiçon.

Concerning the exceptions made by the attorney generall & sollicito^r ag^t o^r lawes. Attorney Gen^l.

1. Title Rebelljous Son, agreed to as amended by the comittee.
2. Agreed that a law be made that robe's vpon the highway be put to death.
3. Rebelljon against y^e country agreed to passe as amended.
4. About marrjage, nothing altered.
5. Touching walking in the feilds & streets on y^e Saboath day, no alteration.

1681.

27 May.

6. The oath & comission for the majo's of regiments, agreed as amended.
 7. Title Hæresy, section 9, to put to death bannished Quakers vpon the
 retorne, repealed; other smaller alterations by the comittee, vnder the title
 Hæresjes, were allowed of.

8. The law against keeping Christmas to be left out.

All the aboue written was consented to & allowed of by y^e Court.

Jn^o Green
 marshall gen-
 nerall.

John Greene is chosen marshall gennerall by the whole Court, and tooke
 his oath the same day before the Governo^r & Magistrates the third of June,
 1681.

As attest.

EDW^d RAUSON, Secre^t.

[*320.] *Att a Gennerall Court, held at Boston, 12th of October, 1681, p^r Adjo^rmt.
 12 October.

PRESENT, Symon Bradstreet, Esq^r, Go^v,
 Thomas Danforth, Esq^r, Dep^t Go^v.
 Rich^d Saltonstall,
 Daniel Gookin,
 Daniel Dennison,
 John Pynchon,
 W^m Stoughton,
 Joseph Dudley,
 Peter Bulkley,
 Humphry Dauy,
 Nathanⁱ Saltonstall, } Esq^{rs}.
 W^m Broune, Seⁿ,
 Thomas Sauvage,
 John Richards,
 John Hull,
 Samuel Nowell,
 James Russell,
 Peter Tylton,
 Samuel Apleton, }

The freemen or dep^{ts} at this Court as in y^e deputjes reccords.

IN answer to the complaint of the loafe bread bakers, it is ordered by this
 Court, that the freemen of the toune of Boston, & such other townes as

shall haue any considerable vse of the bakers trade, shall añually, or otherise as they judge best, make choyce of three or more meete persons in their oune toune, to inquire into the midle price of wheate, how it is sold by quantitjes, & they, or the major part of them in such towne agreeing thereon, shall publish to all the loafe bread bakers & clarkes of the market in the toune once euery moneth, or as often as they see cause, the midle price of wheate, at which price the sajd bakers shall bake their bread for the following moneth, or vntill a new price be declared; and that when the clarkes of the market doe meete wth crustje and stale bread, they shall not take it away as forfeited, except it want one sixteenth part of the weight.

1681.

12 October.

Ques^t: Whither a judgment granted by a County Court held by adjournment, where a stated Court hath interuened in the same county, though not in the same toune, be legall. The Court resolues this question on the negative.

When an obligation is put in suite wherein persons stands bound jointly añ seuerally, and judgment comes therevpon, all being named in the processe, though but one attached, whither judgment ought not, according to the forme of processe, to be entered against all and either. The Court resolues this question in the negative, for that execution ought not to go against any person not sumoned to answer.

*When judgment is granted against a person, and he djeth before execution be taken out, whither that judgment doe not stand in force against his heires, execcutors, or administrators, & whosoeuer of them is answerable in law, and execution to be granted against such execcutors or administrators, &c. The Court resolues this question in the affirmative, &, to prevent inconvenience or wrong to such estates, the person against whom the execution comes shall haue liberty to revejw the same.

[*321.]

In answer to the information & motion of Daniel Gookin, Esq^r, major gennerall, the major's chosen for the new regiments in Suffolke, Midlesex, & Essex are desired to give their answer to this Court now sitting, to signify their acceptance of the sajd offices, that the Court may aply themselues to a speedy settlement of the militias therein.

Q.: Whither a person complajned of or indicted for any criminall or capitall offence, & refusing to put himself vpon tryall, according to the vsuall custome, shall (that notwthstanding) be proceeded with to tryall & judgment vpon the euidence that shall be produced against him.

M^r Samuel Seawall, at the instance of some freinds, wth respect to the accomodation of the publicke, being preuajled with to vndertake the mannagement of the printing press in Boston, late vnder the improouement of M^r John Foster, deceased, liberty is accordingly granted to him for the same by

M^r Sam. Seawall to manage y^e printing presse in Boston.

1681. this Court, and none may presume to sett vp any other presse wthout the like liberty first granted.

12 October.

Toune marks:
L, Springfield.
NH, North-
 ampton.
HD, Hadley.
WF, Westfield.
HF, Hatfield.
S, Southfield.

Seuerall of the tounes in Hampshire being wthout brand markes for their cattle, &c, this Court orders, that y^e brands of the seuerall tounes there be as followeth: Springfield *L*, Northampton *NH*, Hadley *HD*, Westfield *WF*, Hatfield *HF*, Southfield *S*.

This Court ordred a day of thanksgiving to be kept thro^{ut} this jurisdiction on the twenty fowrth day of November next; the grounds there are printed.

[*322.]

About Boudish, Esq^r.

*Whereas it is fallen out that M^r Willjam Boudish, who was employed as collector for the country at Salem, is come to a suddaine & vntimely death, and hath a considerable sūme of the countrjes estate in his hands, & is judged insolvent, this Court doth request & impower the wo^rpth W^m Broune & Bartholmew Gidney, Esq^s, & M^r Hilliard Veren to pervse his bookes, to see what may be due to the country, & to secure so much of his estate, if it may be found, as will respond the same, both to pouder, mony, & imposts.

Order as to rates.

No rule to pay y^e minsters.

Itt is ordered by this Court & authority thereof, that there shall be two single country rates & a halfe for this yeare, viz^t, one in money, & the other in country pay, & that all sorts of corne be pajd, at these prizes ffol^k, i. e., wheate at sixe shillings, rye at fower shillings sixe pence, pease, barley, & barley mault at 4^s, Indian at three shillings sixe pence, oates at two shillings p bushell, all good, and well winnowed, merchantable corne; & that what else is pajd in the country rates besides money shall be pajd at money prise, provided that no leane cattle or horses be pajd in sajd rates; & that what is due to Hampshire vpon the account of disbursments, the Treasurer is heereby ordered to pay them two thirds of what is their just due, provided, also, that this be no rule to pay the minsters their sallerys.

President of Harvard Colledge allowance, &c.

This Court, being informed that the corporation & ouerseers of the colledge haue proceeded to the chojee & approbation of the Reuerend M^r Increase Mather for president of sajd society, & haue appointed some gentⁿ to treat wth the church ouer whom sajd M^r Mather is teacher for their consent in the matter, in order whereto, it is propounded that this Court would please to declare their settlement of the maintenance to be allowed the præsident for the future, it is heereby ordered, that, on the considerations proposed, in the grant made to the former præsident of one hundred pounds money p annū, & fuety pounds country pay, the like allowance shall be continued for the future, provided that the Reuend M^r Increase Mather be the man, & this to be continued so long as he shall supply the place of præsident of said colledge, & to be in full of his sallery from this country referring to that imployment.

M^r Henry Deering is chosen ensigne to the ffoote company in Boston, 1681.
vnder the comānd of Capitaine Pen Tounesend.

It is ordered, that Thomas Eaton, ^{12 October.} eldest sarjant to the ffoote company in Hauerill, in steed of James Pecker, that haf lajd doune his place, and removed himselfe thence. ^{M^r Henry Deering ensigne.}

*In ans^r to the petiōn of the church & toune of Andiver, this Court judgeth it meete to order, that Daniel Dennison, Nathaniel Saltonstall, & Samuel Apleton, Esq^s, with the reuerend elders of the churches of Ipsuich, Hauerill, Rouley, & Newbery, be a comittee from this Court, to meet at Andiver, at the time appointed by Majo^r Dennison, & give notice both to the Reuerend M^r Dane & the church & toune at Andover, &, on a full hearing, to advise them as the case may require for a peaceable settlement of the matters in controuersy, & make report to this Court at the next oppertunity. ^{Thomas Eaton ensigne. [*323^a.]}

In answer to this petiōn, this Court referrs the case to the County Court of Midlesex to take order therein, & give order for the sale of such land as may be necessary to answer such just debts. ^{Ans^r to James Loudens petiōn.}

In answer to the petiōn of Katherin Smith, of Dorchester, the Court judgeth it meete to referr the answer of this petiōn to the County Court of Suffolke, who are hereby impowered to act herein, & give order for the sale of such land as may suffice for the ends proposed. ^{Ans^r to Katherine Smiths petiōn.}

In ans^r to the petiōn of the inhabitants of the toune of Mendon, the Court judgeth it meete to continue their late order referring to the proprietors of lands in Mendon who are not resident, nor doe improove their said lands, to be rated to the toune charges, as those that are p^sent vpon the place, for three yeares next after the expiration of the former time; & the comittee of this Court, for the mannagement of the affajres of that toune, continue their care & gouiment as formerly. ^{Ans^r to Mendon petiō.}

In ans^r to the petiōn of M^{rs} Margery Fljnt, the Court judgeth it meet to grant the petiōners request, & do allow & rattefy the lease mentioned. ^{Ans^r to M^{rs} Margery Flints petiōn.}

In ans^r to the petition of M^r Ju^o Vsher, Edward Shippen, & James Whetcombe, on behalfe of Nathaniel Tompkins, the Court judgeth it meete to order the Tresurer to returne that part of the leather sealed which belongs to the country vnto said Tompkins, or the petiōners in his behalfe. ^{Ans^r to Tompkins pet.}

In ans^r to the petiōn of Nathaniel Putman & Joseph Holton affixed, being in relation to the same thing, i. e., settlement of their bounds betweene them & M^r James Allin, the Court judgeth it meet to order, that M^r Edmond Batter, Leiut W^m Johnson, who were of the former comittee, together wth Capt Fisher, Capt Wayte, & M^r Mansfeild, now chosen, shall & are hereby empowred as a comittee, wth all convenient speede, to repajre to the place ^{Ans^r to Natha. Putmans petiōn.}

1681.

12 October.

where the ground of the controuersie is, & to endeavo^r the settlement of the bounds so as to them shall seeme most just & æquall, & to make returne thereof to the next Court of Election; Cap^t Fisher to appoint time of meeting, & the petiçōns to be at the charge of the cōmītee.

[*323*.]

Ans^r to Elisabeth & Sarah Russell's petition.

*In answer to the petiçōn of Elisabeth Russell & Sarah Russell, widdows, the Court judgeth it meet to grant their petition, & doe heereby order & appoint Leiut^{nt} W^m Johnson & Ensigne James Connors to direct & assist in the sale of such & so much land as they shall judge meete for the ends proposed.

This Court, hauing read and considered the proposalls for y^e future settlement of y^e affaires of y^e province, —

Proposalls as to y^e Province of Majne.

1. That all publike charges henceforth arising annually wthin the province, as well for their protection as government, or otherwise, be defrayed out of the treasury of the province.

2. That Fort Loyall, a garrison necessary for the security thereof, be maintejned henceforth at the charge of the province.

3. That all those that haue taken patents or leases of S^r Fardinando Gorges, or any of his agents, doe observe and make good their couenants respectively to the cheife proprietor, as their acknowledgment of his right to soyle.

4. That all others, as an acknowledgement of his right to soyle & gofūment, doe pay twelue pence for euery family whose single country rate is not aboue two shillings, & for all that exceed the sūme of two shillings in a single rate to pay three shillings p family annually in money to the Treasurer of the provinces, for the vse of the cheife proprietors.

5. That, according to the law, title Charge, Publique, all persons, & estates, & lands which are in the provinces, whither belonging to persons resident wthin or wthout the colony, be æqually & indifferently rated therevnto, ēcepting only cōmons of any toune or land lying in cōmon & belonging to the cheife proprietor.

6. In consideration hereof, I doe freely consent & grant the inhabitants of this province be foreuer acquitted & discharged from all clajmes & demands due, & by charter belonging to, the cheife lord propriet^r for the time past; and for the future, that all touneships that haue binn granted by S^r Fardinando Gorges, K^t, or any of his agents, or the Gennerall Court of the Massachusetts, as well for their streames, saw mills, corne mills, &c, be foreuer acquitted from paying rent or any dues to the cheife propriet^r or his generall governo^r, otheruise then shallbe necessary for their owne defence.

Courts order, &c, thereupon.

1. This Court, hauing read & considered the proposall (annext as aboue)

made for the settlement of the affaires of the Province of Majne, doe approve thereof; and in answer to the petiçon of the Geñill Assembly of the province of August 18, 1681, for a more full explication of sajd proposalls, & further priuiledge to be granted, this Court doth order & hereby impower the president of sajd province to make legall confirmation to the inhabitants respectively of their just propriety in the lands there, vnder his hand & seale, according to the directions of their charter; and do further grant, that they, making the añuall acknowledg^{mt} of the right of the cheife proprieto^r to the soyle & gouern^{mt}, as is provided in the 3^d article of the aboue sajd proposalls, they shall then be acquitted & dischargd from any further subsidies to the cheife proprieto^r, further then shall be necessary & orderly leyed for their oune protection & government.

1681.

12 October.
Courts order
therevpon.

2. *That in case of any defencive warr orderly comēced, they shall endeavour the ordering thereof, as may be for the safety of the inhabitants, & shall allow the whole of the revenue arising due to the cheife proprieto^r towards the maintenance thereof.

[*324.]

3. That the annuall reuenew arising by the trade wth the Indians shallbe allowed towards the maintenance of Fort Loyall, the appointing the capitaine, as well as of the other militia, being still reserved, as the charter appoint in y^o power of y^o cheife proprieto^r.

Further, it is ordered, that the arrears of the capitaine & garrison at Fort Loyall be forthuith passed, by the president of sajd province, to y^e Tresurer, for payment.

M^r Jnthan Wades & M^r Epps case ordered to be heard on 19th instant, at eight of y^e clocke.

In ans^r to the petiçon of M^r Jonathan Wade, of Meadford, the Court judgeth it meet, & doe hereby order, that the petiçoner make vp his complement, to the number of sixty troopers, (besides officers,) out of Cap^t Prentice his troope, of those who are neerest adjacent in respect of their habitation, (officers excepted,) & orders the secretary to transcribe the order to the Majo^r Gennerall to see it effected, the Court expecting their ready compljance herein.

Cap^t Jnth.
Wade of Mead-
fords, troope,
&c.

Sarjant Anthony Austin, of Southfeild, is hereby allowed & appointed leiff to the floote company there, & Georg Norton his ensigne; that the secretary issue out their comissions.

Military offi-
cers in South-
feild, comission
issued out.

In answer to the petition of the selectmen of Dedham, itt is ordered by this Court & the authority thereof, that all Indians that belong to this jurisdiction, except prentises or couenant servants for yeares, are to live among & vnder gouernment of the Indian rulers of Naticke, Punkapauge, or

Order to regu-
late Indians.

1681.

12 October.

Wamesit, which are places allowed by this Court & appropriated for the Indians to live in, where there is land sufficient to improve for many families more then are of them ; and if any shall refuse to comply wth this order, it is referred to the select men of euery town, by warrant vnder their hand, to send such Indian or Indians to the house of correction or prison vntill he or they engage to comply wth this order.

M^r Gorg Carrs
satisfaction.

The Court judgeth it meet to order the Tresurer to pay to M^r George Carr, in full of his account for ferriages, the sume of twenty fower shillings.

Ans^r to Lucy
Turners peti-
tion to assure
M^r Hubbard
his land.

In ans^r to the petition of M^{rs} Lucy Turner, relict, executrix of y^e late John Turner, humbly desiring the favour of this Court to impower hir & hir father, Thomas Gardiner, executo^r also, to assure a parcell of wast land at Quiniabauge, that hir husband sold to M^r Jn^o Hubbard, & drawne by him before his death, the Court grants hir request.

[*324.]

Springfeild
case & Courts
resolue.

*In the case of Springfeild, referring to the house & land now in the occupation of M^r Pelatiah Glouer, brought hither by mutuall consent of parties for advice, the Court judgeth it meete to declare that the first settlement of the sd estate, by the vote of November 15, 1655, is & remajues of full force, & no avoydance made thereof or to be made by any after vote of the town whatsoever ; that, notwithstanding the town of Springfeild hauing introduced & settled M^r Glouer amongst them, vpon an expectation of the same to be & remajue to him & his heires for euer, the Court declares, that the said town of Springfeild ought, by an æquall assessment amongst themselves, to rayse & make payment to the said Glouer of such a sume of money, to the full value thereof, as may be an æquall compensation to him for the same.

17 October.

Comittees re-
turne as to
Nipmuge &
the Indians
claimes.

Boston, October 17th, 1681.

In pursuance of an order of this honno^{rb}le Court to inspect the clajmes of the remayning Indians to lands in the Nipmug country, —

In June last wee appointed a gennerall meeting of all Indian claymers to the said lands, & gaue full notice of the same to be holden at Cambridge Village, & there obtejned M^r Elljots company & others to asist in interpretation & better vnderstanding of their seuerall pleas. Wee then found them willing enough to make clajme to the whole country, but litigious & doubtfull amongst themselves ; wee therefore, for that time, dismissed them to agree their seuerall clajmes amongst themselves, & then told them wee would further treat them to compromise the whole matter on the countrys behalfe.

Since which time, in September last, perceiving a better vnderstanding amongst them, wee warned seuerall of the principall claymers to *to* attend vs into the country, & travajle the same in company with [^] as farr & as much as

one weeke would allow us, & find that the southerne part clajmed by Black James & company is capable of good setlement, if not too scant of meadow, though vncerteine what will fall wthin bounds if our l^{ne} be to be quæstioned. 1681.

17 October.

The midt part about Sherborne & Marlborough, clajmed by the Hassanamesit men now resident at Naticke, but interrupted by the clajme of seuerall execcuto's to John Wampas, whom wee sumoned before the Governo^r & Magistreates in Boston soone after our returne, and find their clajme very vncertajne, but, if allowed, will be to *to the ruine of the midle part of the country, of which the Indians make complaint to this Court. [*325.]

The northerne part, adjoyning to Nashaway, is found the best land, most meadowed, & capable of setlement, which land, except a smale tract about Hassanamesit desired to be kept by the Natick Indians, may, wee suppose, vpon reasonable termes, be, so farr as respect the Indian clajme, taken into the countrys hands, which wee offer our advise as best to be donne, least the matter grow more difficult by delays. If there be any further service for vs in the matter, wee are

Your humble servants,

WILLIAM STOUGHTON,
JOSEPH DUDLEY.

The Court doe approve of this returne.

Vpon the consideration of the report made to this Court of the Indian clajmes to lands to the westward by M^r Stoughton & M^r Dudley, and their aduise that some compensation be made to the claymers for a full surrender of those lands to the Governo^r & Company of the Massachusets, to prevent future troubles & pretensions that may arise, and doe order & impower the aforesajd gentlemen to treat wth the sajd claymers, & to agree wth them vpon the easiest termes that may be obtajned, which sume may be reimbursed by such as afterwards shall procure grants of any of the sajd lands from this Court.

The Court allowance, &c, thereof.

Referring y^e accomplishment to the committee.

There being a smale island in Connecticut Ryuer, at & toward the foote of the hills, below Springfield, which lately some of Windsor, in Connecticut colony, haue purchased of the Indians, & challenge it not only as their oune, but as belonging to that colony, when as it falls some miles wthin our line, as it was formerly runn, I thought meet to certify this honored Court thereof, that they may please to make some meet disposall thereof, to prevent incroachment vpon our due l^{ne}.

18 October.

Major Pynchons information.

Dať Octob^r 18, (1681.)

JN^o PYNCHON.

1681.

18 October.
Courts grant to
Major Pyn-
chon.
Ans^r to W^m
Markhams
petiçon.

The Court judgeth it meet to grant the island aboue mentioned to Major John Pynchon, in consideration of his paines formerly in runing our patent l^yne.

In answer to the petition of Willjam Markham, of Hadley, the Court judgeth it meete to referr the petiçoner, as to the case mentioned in his petition, to the County Court of Hampshire, and they are impowered to act as the matter doth require.

[*326.]

Courts judgm^t
& sentenc ag^t
Peter Goul-
ding.

*In ans^r to the petition of Peter Goulding, this Court judgeth that the petiçoner hath no cause of complaint, and considering the great reflection & high groundless charges conteyned in his petiçon against the honored County Court of Suffolke, & the clarke thereof, doe sentence the said Peter Goulding to make a publick acknowledgment of his fault to the satisfaction of the Court, or to pay the sume of twenty pounds in money fine to the Tresurer of the colony, standing comitted untill the sentence be performed.

At the petiçoners request, this sentence, as to the fine & the petiçoners acknowledgment, is respitted till the next Gennerall Court or sessions that comes first.

Comittees re-
turne as to M^r
Shermans pe-
tiçon & Water
Toune, &c, ac-
cepted of, &c.

Wee, vnderwritten, appointed a comittee to repare to Water Toune to examine some matters in controuersy there, concerning which the Refiend M^r Sherman exhibbited his petiçon to this Court, hauing heard the allegations on both sides, & perused the records of the said toune, doe find, that there haue binn a misvnderstanding amongst themselues of their oune acts, & that it will be difficult to determine exactly therein; which they themselues being also sencible of, sundry of the proprieto's haue voluntarily yeilded to M^r Sherman, some of them a part, and some the whole of their shares in those lands that haue been in difference; and wee are not hopelesse but that others may make further addition therevnto. And the Refiend M^r Sherman hath also vnder his hand, at a publick meeting, and in the presence of some of us, ffreely & fully quitted all other clayme to or right in the said lands, saue what he now hath or may further haue by the free grant of the proprieto's as abouesajd, leauing only that what shall be granted him maybe lajd out conueniently together, not prejudicing the remainder. These concessions on both sides wee doe approve of, being hopefull it may haue a tendency to their better accord for the future, in case this Court shall confirme this issue; in order whereto wee mooue, that a comittee of this Court, of three or more meet persons, be appointed & impowred to compleat the agreement so well begunn, &

Vide pa. 482
and pa. 494.

to set out to M^r Sherman his proportion in the said lands, as is about expressed. 1681.

18 October.

Signed,

JOSEPH DUDLEY,
WILLIAM STOUGHTON,
WILLIAM JOHNSON,
PET: BULKELEY,
JOHN WAYTE,
THO: BRATTLE,
EDWARD WINSHIP.

The Court approves of this returne, and doe desier the gentlemen of the same comitte, or the major part of them, to perfect the worke according to this returne, W^m Stoughton, Esq^r, to appoint time and place.

In ans^r to the petiçon of Cornet Jn^o Seuerans, it is ordered, for a fynall issue of that matter, that the secretary issue out his warrant, directed to the constables of Salisbury, Haverill, & Amesbury, requiring them forthwith to collect & gather out of the seüll townes their just proportions of what is due from them as their share, i. e., fower pounds & eight pence from Salisbury, from Haverill three pounds & fueteen shillings, & from Amesbury one pound seventeen shillings & fower pence, & deliūr the same to the said John Seuerans, in full satisfaction of all his clajmes, the Tresurer of the country hauing satisfied him all that the country was to pay him. [^{}327.]

Ans^r to Cornet
Jn^o Seuerans
petiçon.
Warrants ac-
cordingly is-
sued out, 15
Dec., 81.

In ans^r to the petition of Capt James Olliuer, the Court judgeth it meet to grant M^r Nathaniel Barnes, for the petiçoners vse, two hundred acres of land where it is to be found, not preiudicial to any new plantation.

Ans^r to Capt
Ja^s Olliuer pe-
tiçon, 200 ac.

This Court hauing heard & considered the pleas & evidences in a case betweene John Giffard, and Richard Midlecott, & Thomas Walter, attorneys to John Wright, Esq^r, & Company, which case was formerly heard @ determined at a County Court held at Ipswich 30th of March, 1680, and admitted to be heard in this Court vpon the petiçon of John Giffard, this Court doth confirme the said judgment of the Court at Ipswich, and order the said Giffard to pay the defendant costs of Court, as p bill on file, & this to be a fynall issue of this case.

M^r Jn^o Joylef
engaged to pay
y^e costs, if
proved by Wal-
ters day booke,
E. R., S.
Courts judg-
ment inter Jn^o
Giffard & Tho.
Walter.

In ans^r to the petition of Willjam Markham, of Hadley, it is ordered, that the petiçoner be referd, in the case mentioned, to the County Court of Hampshire, and they are hereby impowred to act as the matter doth require.

Ans^r to W^m
Markhams pe-
tiçon.

Courts resolute
to proceed to
consider of y^e
laws, &c.

The Court agree to proceed to the consideration of what is necessary to

1681.

18 October.

Ans^r to Maj^r
Gen^l Gookins
motion, &c.

be donn touching such lawes as are objected against, & others of like nature, & to doe therein what shallbe incumbent on them, & most conduceable to their peace & safty.

The majo^rs chosen for the new regiments in Suffolke, Midlesex, and Essex are desired forthwith to give their answers to this Court now sitting, to signify their acceptance of the sajd offices, that the Court apply themselves to a speedy settlement of the militjas therein.

Courts judg-
ment inter
Butler & Hol-
lowell.

The Court, hauing heard & considered the allegations & pleas in the case between Stephen Butler & W^m Hollowel, Benj^a Hollowell, & Edw^d Ashley, &c, doe confirme the settlement of that estate made by the County Court, & confirmed to the sajd Butler by the Gennerall Court, judging, vpon all considerations, the same to be most æquall and just.

[*328.]

Comittees re-
port on Butler
case as to his
disbu^{ment}.

*As an expedient for the more æquitable releife of Stephen Butler, in the case depending betweene him and Willjam Hollowell, it is ordered, that Captain Barter and M^r Remington (& in case one or oither of them cannot be obteyned, that Thomas Gardener, of Muddy Riuer, supply such absent) be a comittee to vejw the improovement made by y^e sajd Butler vpon the lands in controversy, & make report thereof to the Court now sitting; & was don, & is on file.

1681-2.

15 February.

[*329.]

**Att a third Sessions of the Gennerall Court, held at Boston, 15th February, 1681.*

PRESENT, Simon Bradstreet, Esq^r, Go^v,
Thō Danforth, Esq^r, Dep^t Go^v,
Richd Saltonstall,
Danⁱ Gookin,
Danⁱ Dennison,
W^m Stoughton,
Joseph Dudley,
Peter Bulkley,
Humphrey Davy,
Nath^a Saltonstall,
Jn^o Richards,
Jn^o Hull,
Saml Nowell,
James Russell,
Barthō Gidney,
Saml Apleton.

AT the opening of this Court, his majesties letter to the Goſſino^r & Company, brought by M^r Edward Randolph, bearing date 21th of October, 1681, was read in open Court, the whole Court mett together. 1681-2.
15 February.

Also, the next day, was, before the whole Court, read his majesties comiſſion or patent, vnder the broad ſeale of England, bearing date ^{16 February.} _{A true copie, compared.} ¹⁶ February, for constituting Edward Randolph, Esq^r, collector, &c.

Also, his maj^{ties} comiſſion or patent to W^m Blathwayt, Esq^r, bearing date ^{A true copy.} _{the} ¹⁶ February, for constituting him to be audo^r & surveyo^r generall, &c.

As also M^r Blaithwayts deputation to M^r Randolph; all which are on file. ^{A true copy, comp^d.}

To the Kings most excellent Majesty.

The most humble address of yo^r maj^{ties} loyall subjects, the Goſſino^r & Company of the Massachusetts Bay in New England.

May it please your majestie: —

Such and so many are the blessings that your poore subjects of this col- onje haue and doe enjoy through the favour of your maj^{ties} royall father, of happy memory, @ your oune propitious incljnation towards vs euer since yo^r maj^{ties} happy restoration, that wee cannot easily represent or expresse our grattitude to Almighty God nor our obligations to your majestie for the same; by the sence whereof wee are the more deeply mooued and concerned least any administrations in this your majesties government, by ourselues or our prædecessors, or any misrepresentations vnto your majestie, should procure the least alteration in your majesties royall heart or countenance towards vs.

Wee therefore humbly pray that wee may lay before yo^r majesties con- sideration, that the great disadvantages of setling a wilderness, the late vnhappy troubles in your majesties kingdomes, our less skilfullnes in man- naging such affajres may haue occasioned some irregular establishment of law amongst us, which we humbly pray your maj^{tie} to allow us to say, was through want of due consideration @ inadvertency, & is in nowise out of pride or con- tradiction to the due lymitts assigned us, and for which, neuertheless, wee haue, @ alwayes doe, humbly prostrate ourselues at yo^r maj^{ties} ffeete, and craue your royall pardon, @ all which, vpon signification from your maj^{tie} by our late messengers, we haue industriously laboured *to correct @ amend, @ shall for [*330.] the future hold ourselues strictly obliged to the rules presented us in our charter.

Wee haue also, in obedience to your maj^{ties} comãds in seuerall letters, @ and particularly your gracious letter of October 21st, 1681, dispatched our worthy ffreinds Joseph Dudley & John Richards, our messengers, humbly to give your maj^{tie} account of what wee haue donne for the regulation of our lawes, pursuant to the objections of M^r Attorney Gennerall @ M^r Sollicito^r

1681-2. Gennⁿ, according to the intimations comitted to our messengers when attending your royall Court. Who are also further instructed to give your majesty account of @ satisfaction in the seuerall particulars in the abouesajd letters, @ other of your maj^{ties} letters conteyned, and to attend the signification of your majestys further pleasure therein, wth wee confidently trust, as always heretofore, willbe for the advancement of your majesties croune @ dignity, @ the encouragement @ peace of your maj^{ties} leige people here.

16 February.

They haue also humbly to offer the address of some of our inhabitants whose dwellings are wthin the compasse of M^r Masons new pretended claimes, to whom wee gave such signification of your royall pleasure as in yo^r maj^{ties} letters wee are comanded.

But as his clajme doth appeare to them to be very vnreasonable, so also illimited @ vncertaine, wee therefore humbly pray your maj^{ties} favour on behalf of sajd people against the pretenses of sajd Mason, for their security in the peaceable enjoyment of their houses @ lands, of which they haue had vninterrupted possession for more then fifty yeares. And that they may not be compelled to make answer further then in yo^r maj^{ties} Courts of justice vpon the place, wee haue also humbly to offer, that the purchase of the Prouince of Majne was made by us not out of any disloyall incljnation or intention to infringe your maj^{ties} royall prerogative, or to prevent your majesties taking the same into your owne hands, but vpon reall desire to accomodate your maj^{ties} subjects the inhabitants of that province, and our oune mutual peace or safety, @ wth good advice first had that wee might so doe; wherefore, humbly praying your maj^{ties} consideration of our great charges therein, and gracious construction of that our procedure, and of royall favor in the discharge of our present attendance, wth yo^r gracious countenance vpon yo^r maj^{ties} poore subjects here, we are, wth all humble submission,

Your majesties most obedient subjects & humble supplicants, who shall euer remajne to pray, &c,

SYMON BRADSTREETE, Gofino^r, in the name ^

[*331.]

*To the Kings most excellent Majesty.

The humble petition & addresse of the inhabitants of Gloucester, alias Cape Ann, and other places adjacent, wthin the jurisdiction of the Massachusetts Bay in New England.

Most gracious & dread Soueraigne:—

Tis now about 50 yeares since S^r Henry Rosewell, wth seuerall others, the subjects of your maj^{ties} realme of England, purchased of the council established at Plymouth, in the county of Devon, (as in the charter,) a

certaine tract of land lying & being as in the charter; said tract of land was in the next year againe granted & confirmed by your majties royall father, of happy memory, by letters patent, bearing date, at Westminster, March the 4th, in the 4th yeare of his reigne, to the sd Sr Henry Roswell and Company, wth other their associates, w^{ch} grantees were then also, wth such others as should be admitted, & made ffree of the company, & their successors, incorporated by the name of the Governo^r & Company of the Massachusetts Bay in New England. Vpon the encouragement given in those letters patents, & the government thereby established, many of the subjects of your majesties realme of England did transport themselues, their familjes, & estates, & purchase & settle many tounes & villages, to the great increase of yo^r majestjes hoñor & dominions in these parts of America.

1681-2.

16 February

And, amongst others, wee, (& our predecessors,) yo^r majties most loyall & obedient subjects, (those cheifely, if not soley, concerned in the late clajmes made by M^r Robert Mason of land wthin this yo^r majestjes grant,) hauing obteyned a grant from your majties Gou^rno^r & Company, and also purchased the right of the natives, (the annient & vndoubted proprietors,) did plant & setle vpon a place which is (wthout controuersy in that respect depending) wthin the limits aforesajd, called Glocester, alias Cape Anne, & places adjacent, where wee haue, wth greate toyle & charge, binn subduing the wildernes, haue bought & sold the lands, (which haue some of them passed through seuerall hands,) our title neuer being defamed or our selues molested by any person w^{ts}oeuer for aboue these fluety yeares; being by so long an vinterrupted possession, further confirmed in our rights, agreeable to the lawes of this yo^r majties gove^rnment, made in the yeare 1657, for the settling of inheritances, w^{ch} was not *designed against said M^r Robert Mason, of whome & whose claime wee were then wholly ignorant. [*332.]

In this posture wee continued, till wee were surprized vpon the receiving an order from the Gennerall Court of this your majties government, which was in obedience to yo^r majties comands contejned in your gracious letter of the 30th of September, 1680, requiring vs to furnish our agents wth the pleas & euidences of our right & propriety in the lands wee now possesse in these parts, which in the premisses wee most humbly offer to yo^r majties gracious princely consideration. To w^{ch} wee further humbly add, & lay before your majtie, that as our title stands vpon so good a foundation as the grant of yo^r majestjes Gennerall Court here, & purchase from the natives, strengthened by y^e lawes of possession, so M^r Robert Mason hath only to plead a dormant, if not pretended title, by virtue of a grant from the council of Pljmouth, in the 19th yeare of the reigne of yo^r royall grandfather, of happy memory, w^{ch} said grant is vtterly vncerteine in its ljmits & bounds, was neuer acted vpon, no

Address to his
majty from y^e
inhabitants of
Cape Ann &
places adja-
cent.

1681-2. possession given, nor any survey made thereof, according as in the said grant is specified & required, whereby one of the great ends & designs of the charter granted to the council of Pljmouth, w^{ch} was for the planting & subduing of the land in these parts, is evacuated. Vpon all which considerations, & particularly that of the nonvses, wee humbly suppose that M^r Masons grant (if any) is forfeited, & his title voyd in law.

16 February.

Wherefore, wee humbly implore your maj^{ties} favour, & that yo^r maj^{tye} uill graciously please to interpose yo^r royall authority wth M^r Mason, that he may cease to molest & disturbe vs in our lawfull rights, or that yo^r maj^{ty} uill direct the said M^r Mason to make his clajme in yo^r maj^{ties} Courts of justice here established, according to the judgment (in that case) of the lords cheife justices, approved by the right honno^rble the lords of the Comitte for Trade & Forreigne Plantations, and confirmed by yo^r sacred *sacred* maj^{tye} in council, on the 20th day of July, 1677, while the former agents of y^e your maj^{ties} colony were attending your royall pleasure in the affaires then vnder consideration. & your humble supplyants shall euer pray, &c.

Signd & subscribed by

JN^o PICKARD,
 JN^o PERKINS,
 DAN: EPPS,
 JONATH: WADE, Señ,
 WILLJAM GOODHUE,
 SAMUEL ROGERS,
 SYMON STACJE,
 THO: KNOULTON,
 CALEB MOODY,
 THO: FISKE,
 PHILLIP NELSON,
 THO: BURNAM,
 EZEK: NORTHEN,
 DAN: WARNER,
 TRISTRAM COFFYN,
 JOSEPH PIKE,
 JN^o PLUMER,
 THO: FISKE,
 THO: PATCH,
 WILLJAM COGSWELL,
 WALTER FAIREFEILD,
 MOSES PENGREY, Señ,
 HENRY SEWALL,

DANIEL PÉARCE,
 SAMUEL CORNING,
 GEORG RAYMENT,
 WILLJAM DÓDGE,
 NICH: NOYCE,
 RICHARD DUMER,
 SAMUEL PLATTS,
 JN^o WHIPLE,
 JAMES STEEPHENS,
 WILLJAM SERJANT,
 WILLJAM HASKALL,
 THOMAS MILLET,
 JOHN HILL,
 THOMAS RIGGS,
 SAMUEL APLETON,
 THO: COBBET, Señ,
 JN^o WOODBRIDGE,
 WILLJAM HUBBARD,
 JOHN ROGERS,
 JN^o HALE,
 JN^o APLETON,
 HENRY WALKER.

*For the satisfaction of his maj^{ty}, @ the better regulating of the navigation and trade of this jurisdiction, and in pursuance of a lawe made October 10th, 1677, referring therevnto, —

1681-2.

16 February.

[*333.]

It is ordered & enacted by this Court @ the authority thereof, that the act of Parliament made in the 12th yeare of his maj^{ties} reign, intituled An Act for encourageing and increasing of Shipping @ Navigation; and the act made in the fueteenth yeare of his maj^{ties} reigne, intituled An Act for the Encouragement of Trade, be forthwith published in the market place in Boston by beate of drum, and that all clauses in sajd acts relating to this plantation be strictly taken notice of @ observed as sajd acts requier.

It is further ordered by the authority aforesajd, that a navall office be Navall office. forthwith errected @ settled in the toune of Boston for the entring of ships @ other vessells outward @ inward bound, for *for* the taking of bonds, receiving and granting certificates for their cleering, according as in sajd acts is directed. And all comānders @ masters of shippes and other vessells are required to take notice hereof, and to make their entries to give bonds, & receive @ produce certificates for their cleering, according as in sajd acts of Parliaments exprest.

Provided such vessells as passe to and fro wthin our harbours or ryvers shall not be obleidged to enter @ give bond as abouesajd; nor such vessells as passe from port to port on the majne sea on the coast of New England, vnles they take in for their oune store and trade, in some of his maj^{ties} colonjes in New England, more then one tunne of each of the comoditjes enumerated in sajd acts; and for the due execution of sajd office, it is ordered, that James Russell, Esq^r, who was chosen by this Court January 11th, 1680, be the officer who shall haue comission vnder the hand of the Governo^r or secretary and seale of the colony, & be sworne by sajd Governo^r to the faithfull discharge of the same, which officer so authorized shall kepe foure bookes of all entries, certificates, & bonds, which shall alwayes be l^yable to the veiw *of any officer or other person that may informe of the breach of sajd acts or other lawes in pursuance thereof, or referring to the *to the* trade of this jurisdiction; and for the greater ease of the toune of Salem & adjacent ports, Benjamin Gerrish is appointed the officer in the toune of Salem, who shall in like manner be sworne, @ shall make entries, take bonds, and receive and grant certificates as the said officer in Boston, who shall in like manner from time to time, once in sixe moneths, deliuer faire coppies of all bonds to the Gofino^r, and shall receive for his service, referring to the premisses, such ffees as by the lawe are allowed to recorders and clarkes of County County Courts.

[*334.]

And for the Governo^rs signing a certificate for their clearing, the ffee shallbe two shillings.

1681-2.

16 February.
Officers to be
added, &c.

It is further ordered by the authority aforesaid, that if any person shall desire @ obteyne a speciall Court for the tryall of any case refferring to the premisses, he shall give in vsuall caution to respond all costs, before warrants be issued forth to assemble said Court & jury; and if any person be damnified by false information, wrongfull searching, or seizing any goods, ships, or other vessell, he may recouer the same by an action of the case in any Court or Courts of judicature, according to the vsuall course of lawe. And for the encouragement of his maj^{ties} officer or officers, and all informers, shall from time to time bey ayded and assisted by all marshalls, constables, or other officers, by warrant from the Gouverno^r, Dep^{ty} Go^vno^r, or any magistrate, in the prosecution of the breaches of said acts of trade & nauigation.

Secre^t order to
signe y^e com^{is}-
sions & cause
y^e order to be
published.

W^{ch} was pr-
formd by be^t
of drumie, 25
M^{ch}, 82.

Naval officers
oath.

And the secretary is ordered to signe all the commissions for said office, and cause the Courts order to be published, wth the acts of trade, as is before provided.

Whereas yow, J. R., are chosen navall officer for the seuerall ports of the Massachusets colonje, and haue received a com^{is}sion from the Go^vno^r & Company of the said colonje for the execution of that office, yow doe sweare by the great name of the euer l^{iv}ing God, that yow will carefully and duely attend the execution of the said office according to the tenno^r & true intent of yo^r com^{is}sion, & the lawes of this jurisdiction. So helpe yow God.

[*335.]

17 March.

Com^{is}sion for
the naval offi-
cer.

*The Go^vno^r & Company of the Massachusets Colony in New England.

To J. R., navall officer.

Whereas yow are chosen @ appointed navall officer for the service of his maj^{tie}, in the seuerall ports of the Massachusets colonje during the pleasure of the Gouverno^r @ Company. These are in his maj^{ties} name, to authorize and require yow diligently @ faithfully to attend that service, by taking ent^rjes of all ships @ other vessells outward @ inward bound, by taking bonds, & receiving @ granting cirtificates for their clearing, keeping faire bookes of all ent^rjes, cirtificates, @ bonds, once in sixe moneths, returning foure copies of all such bonds vnto the Gouverno^r for the time being, according to the lawes of this jurisdiction, made in pursuance of the acts of Parl^{iam}ent for the in-
couragement & increase of trade & navigation; and to observe all such orders @ instructions as yow shall from time to time receive from the Gouverno^r & Company relating to the execution of the said office. In testimony whereof, the seale of this colony is herevnto affixed. Dated in Boston, March 17th, in the 33^d yeare of the reigne of our soueraigne lord, Charles the Second, by the grace of God, of England, Scotland, France, & Ireland, king, &c, in the yeare of our Lord 168².

Itt is ordered by this Court and the authority thereof, that the 12th section of the capitall lawes, title Conspiracy, Rebelljon, and the 18th section of said lawes, title Rebelljous Son, be and are heereby repealed; also, the law referring to Christmass, page 57, 58, & the word 'commonwealth,' where it imports jurisdiction, is heereby repealed, and the word 'jurisdiction' is hereby inserted.

1681-2.

17th March.

If any man conspire and attempt any invasion, insurrection, or publike rebelljon against the kings majesty, his government heere established, or shall endeavour to surprize any toune or townes, fort or forts, therein, or shall treacherously & perfidiously attempt the alteration & subuersion of our frame of polity or government fundamentally, he shall be put to death.

Conspiracy, & ag^t the gov^{ts} punishable by death.

*It is ordered by this Court and the authority thereof, that henceforth the new brasse weights that are lately come from England, @ haue bin sealed at the Exchequer in Westminster, as appeares by a writing testimoniall vnder the hand of M^r Jn^o Low @ M^r Nicholas Stuart, principall officers there, and seale of the said office, are just and true averdupojce-weights, such as are vsed in London, diuers of which are fell fashioned, viz^t, one fiuety sixe pound, one twenty eight, one fowerteen, one seven, one fower, one two, @ one one pound, the rest are fflatts weights, and are one halfe pound, one quarter, one eighth part, and one $\frac{1}{16}$ or ounce, as also one halfe ounce, one quarter of an ounce, one eighth, @ one sixteenth part of an ounce, shallbe the standards for this colony of Massachusetts, by which all other weights are to be sized, and that the country Treasurer issue forth his warrants forthwith to the constables of euery toune in this colony to provide, at their townes charge, all *all* the abouesajd weights of brasse or lead by the tenth of May next, which are to be brought in to the said Treasurer, or whom he shall appoint, to be sized and sealed by the aforesajd weights; and henceforth it shall not be lawfull for any person to buy or sell by any other weights or styllyards but such as are sealed by or made agreeable wth the aforesajd standards; and the pœnalty of such as neglect or act contrary to this order shall be the same, and disposed of according to the order *order* of this Court made in May, 1680, title Measures.

[*336.]

Courts order as to brasse weights.

Our honnord present Deputy Goũno^r, M^r Stoughton, M^r Bulkley, and M^r Nowell, together with Cap^t Fisher, M^r Stoddard, M^r Cooke, Cap^t Bratle, Cap^t Hutchinson, @ Cap^t Wayt, or majo^r part of them, are appointed a comittee to take out the papers in the secretarys hands, or in the hands of any others, which are necessary to be sent for England by our agents, @ to see them transcribed, @ to doe therein as in their wisdome they shall see meete for the end proposed.

Comittee to peruse & prepare necessary writings for our agents.

For the further encouragement & supply of our agents in their voyage

Comittee to correspond wth & prvide for our agents.

1681-2.

17 March.

[*337.]

and negotiation, this Court doth desire & appoint the Goſno^r, Deputy Governo^r, M^r Staughton, M^r Davy, & M^r Hulle, Cap^t Fisher, Cap^t Hutchinson, M^r Cooke, Cap^t Wayte, and Leiffn^t *Johnson to be a comitte^e to correspond with our agents in England, and vnderstanding from them their occasions for money for their necessary supply, as the comitte^e, or majo^r part of them, judge meet, for the good of the country, to take care for the agents supply accordingly, and the Treasurer is heereby ordered to pay what by them shall be charged on him; and this Court doe engage to make provision for payment of what shall be so taken vp @ prouided.

M^r Wade & M^r Epps to call y^e inhabitants of Cape Ann & places adjacent together, &c.

It is ordered by this Court, that M^r Jonathan Wade & M^r Daniel Epps, both of Ipswich, doe take speedy care that the addresse framed to his maj^{ty} in the name & on the behalfe of the inhabitants & proprietors of Cape Ann, and places adjacent, be imparted vnto the said inhabitants by calling them together and taking the subscriptions therevnto of such & so many as may be convenient to signify their gennerall consent to the said addresse, w^{ch} being donn, the abovesaid gent^{en} are desired & ordered to remitt the said address to the Goſno^r & council, to be comitted to our messengers for England.

Courts order as to M^r Allen & M^r Endicots boues, a hearing.

This Court vnderstanding that the returne of the comitte^e appointed by this Court for the settlement of the bounds betweene M^r James Allen & M^r Endicots farmes at Salem, & that it is not satisfactory to the said M^r Endicot, & he hauing made a motion to this Court to haue another oppertunity to make knoune his greiuan^{ce} before the returne of the comitte^e be confirmed, the Court judgeth it meet to appoint & order a hearing of the case on the first Tuesday after the next election, at nine of the clock in the morning, & in the meane time that there be no strip nor wast made on the premisses, & that sumons from this Court issue out for all partjes concerned to appeare at y^e time & attend the issue.

Courts order in Butlers case, &c.

In answer to the petiçon of Stephen Butler, for a rehearing of the case betweene him & the children of Willjam Holloway, this Court declares it is their aduise to the said partjes that the children of Willjam Holloway doe pay vnto the said Butler two hundred pounds in New England money w^{thin} three moneths, & forgive him all Court charges at the last Court of Assistants, & this being donn Holloways children shall injoy all the howses & lands whereof Benjamin Ward died seized, & they pass mutuall acquittances each to other touching the estate; and if the sd persons shall refuse to comply wth this proposall, then this Court doe grant the said Stephen Butler a hearing of that case, sub forma pauperis, at y^e next Court of Election, on y^e first Tuesday after the next election day, at nine of the clock in the forenoone, for a finall issue of this troublesome case, and the execution is suspended in the interim.

*It is ordered, that the Tresurer issue out his warrants to the seuerall townes for the raying of halfe a country rate, to be payd in money, at or before the next Court of Election, for the accomodation of our agents sent by this Court to attend & wayte on his majesty on our behalves, and in the meane time, that our agents be not at p̄sent vnfurnished.

In ans^r to the motion of the officers of the late Cap^t Thomas Savage his company, Ephraim Sauage, his son, is appointed & ordered by this Court to be captaine of said company, & Bartholmew Cheevers to be his leiftenānt.

In ans^r to the petiōn of Ralph Houghton, in behalfe of the inhabitants of Lancaster, the Court judgeth it meet to grant them exemption from country rates for this yeare and the next.

Within these lynes is conteyned the thousand acres of land granted by the honnored Gennerrall Court to the sixe youngest children of the late Major Symon Willard, deceased, as the same is represented in the humble addresse of M^{rs} Mary Noyes, being layd out & measured by John Heynes, surveyor, & is about tenn or twelue miles beyond Wachuset, & lying southward from that hill by the new roade lately marked to Hadley, where the said John Heynes hath rvnn a ljne through some part of the said road, begining at a red oake tree on the westward side of a peece of meadow; rvning from thence, by a north & by west point, two miles, wanting but fower poles or rodds; there ending that ljne by a swampe, at a great hemlock tree which he hath marked; and from thence hath rvnn the ljne, vpon an east & by north point, one mile, which endeth at a great red oake by the side of a smale shrubby meadow; & from thence hath rvne the ljne, vpon a south & by east point, two miles, wanting but fower rodds, & there endeth at a black oake, neere a swampe, & not farr from the forenamed road that leadeth towards Hadley; & so from thence hath runn the ljne to the place where he first begann, being one mile. The whole, thus measured and bounded, conteyneth a thousand acres, according to the platt herewthall presented & signed as aboue.

The Court approoves of this returne of one thousand acres as aboue.

Cap^t Jn^o Richards, Cap^t Jn^o Hull, Cap^t Thō Brattle, Cap^t Elisha Hutchinson, & M^r Elisha Cooke are appointed a comittee to examine and receive the Tresurers accompts, and make their returne at the next sessions of this Court.

Boston, Febr 18, 1681.

[*339.]

*In pursuance of the last order of this Court for the purchase of the Nipmug country, the subscribers haue had seuerall treatjes wth the Indians, and at length haue concluded, —

Comittees returne as to Nipmug country.

1681-2.

17 March.

[*338.]

Halfe a country rate to be raysted to furnish our agents.

Ephraim Sauage cap^t, & Bartho. Cheevers leif.

Lancaster exemption from country rates.

Y^e younger children of y^e late Major Willards 1000 acres land layd out.

Comittee to take the Tresurers accounts.

1681-2.

17 March.

1. That the Hassanemesit and Natick Indians shall haue added to the said plantations of Natick & Hassanemēt, already granted & reserved by this Court for their oune improouement, all that remayning wast lands lying betweene those two plantations @ adjoyning to Meadfeild, Sherborn, Mendon, Marlborow, @ Sudbury, being wast @ of very inconsiderable value. The remainder of their clajme, lying fower miles northward of the present Springfeild road, @ southward to that, haue agreed betweene Blacke James @ them, of which wee aduised in our late returne, wee haue purchased at thirty pounds money @ a coate.

2. The southern halfe of said countrey wee haue purchased of Blacke James @ company for twenty pounds, provided they may, by the grant @ allowance of this Court, reserve to themselues a certeine tract of five miles square for themselues, or contents, in two parcells, to be at their oune dispose, to them, their heires @ assigns, foreuer, as is expressed in there deed. The whole tract in both deeds conteyned is in a forme of a trjangle, @ reduced to a square, conteyneth a tract about fifty miles long @ twenty miles wide. Besides the fuetty pounds aboue, smale quantitjes, about five pounds, wee haue distributed amongst them, and payt them tenn pounds money of the price.

3. Wee haue thought best to take the deeds in our oune name, which wee now exhibbit, and are ready to passe our assignement & conveyance to the Goſno^r & Company, at the Courts direction, in pursuance of whose service wee haue donn the same.

4. Wee haue promised them, that, in convenient tyme, their complaint against seuerall tounes & farmers who haue not purchased the title to that they hold shallbe heard, & justice donn them.

5. The northern part, towards Wachuset, is yet vnurchased, & persons yet scarsly to be found meet to be treated wth thereabouts. The two last articles may be further pursued if this Court judg meet.

WILLJAM STOUGHTON,
JOSEPH DUDLEY.

[*340.]

Courts appro-
bation thereof.

*This Court, hauing perused this returne, made by W^m Stoughton & Joseph Dudley, Esq^{rs}, relating to their transaction wth the Indians, & purchase made of the Nepmug lands, doe approoue thereof, and order, that full & ample deeds & conveyances in due forme be forthwith made by the said gent^l vnto the Goſno^r & Company of the Massachusetts, &c, and that the Tresurer of the country doe reimburse what is by them expended already, and make such other payments as are by them engaged on this account; and likewise

doe allow of, and doe hereby confirme to the said Indians, that tract of land mentioned to be reserved by the said Indians. 1681-2.

17 March.

Also, the aboue named gent^{ls} are impowred, & heereby are desired, to doe what is yet necessary pursuant to the prosecution of the fowerth & fifth articles, & to make returne of what they shall doe therein to the next Generall Court.

And as an acknowledgment of the great care & paines of the abouesaid W^m Stoughton & Joseph Dudley, Esq^{rs}, this Court doe give & grant to each of them a farme of one thousand acres of land in any part of said tract of land now purchased, where they shall see meet, so it be lajd out together as may be no prejudice to any plantation or touneship that may be hereafter there settled, they first finishing what remaines necessary to be donn for the compleating this affaire. Courts grant of 2 M. acres of land, &c., to y^e gent^{ls}.

In ans^r to the petiçon of M^r Hezekiah Vsher, in behalfe of himself & compā, it is ordered, that the Tresurer make vp what he hath already paid sd M^r Hezekiah Vsher, to be one hundred fuetty two pounds three shillings fower pence money, being the ballance of his account given in to this Court. Ans^r to M^r Hezekiah Vsher petiçon, his ballanc 152^u 3^s 4.

In ans^r to the motion & request of Martha Fitch, for the allowance & confirmation of hir deed of sale made to her son in law, Jn^o Holland, this Court doeth referr the examination of y^e matter to the County Court for Suffolke, who are herein impowred to rattify & confirme the same, as to them shall appeare just & æquall. Ans^r to Martha Fitch motion.

In ans^r to the petition of Abraham Cole @ Elj Giles, late constables of Salem, humbly desiring the favour of this Court to grant them some recompenc, &c, for their great losse in collecting of their rates therein mentioned, the Court judgeth it meete to grant them forty pounds in country pay. Ans^r to Abra. Cole & Ely Giles petiço.

In ans^r to the motion of the select men of Bradford, Shuball Walker, &c, it is ordered, that the Tresurer allow & deduct out of their rates sixe pounds six shillings in siluer, & forty nine shillings & seven pence, w^{ch} the late M^r Samuel Worcester gathered, &c. Bradford as to rates.

*In pursuance of an order of y^e last Genn^l Court, wee, their comiittee, repaired to Andover the 15th of November, where hauing convened the people of the church & toun, together wth M^r Dane, their pastor, wee heard their seuerall pleas, p^tensions, & allegations as to the matter of their differences, the sum whereof was, that M^r Dane, about March last, gaue them notice that he could no longer performe the worke of his calling in carrying on the publick worship of God, & therefore that they, i. e., the people, must take care to provide for themselues, & accordingly the said M^r Dane desisted [*341.] Comiittees returne as Andover, &c.

1681-2. from that worke, though importuned by the people to be helpfull to them therein in the easiest way, which yet for the most part he hath decljned, alleadging bodily infirmity did disenable him, so that the people were necessitated, & did procure, wth great charge, (as they say,) other help for some tyme, but for the most part were destitute, saue only that M^r Dane hath prajed with them in publick, & given them 3 or 4 sermons; wherevpon they haue invjted & procured a young man for this winter to be helpfull to them in carrying on the worship of God, and complaine that they are not able to beare the charge of allowing M^r Dane his wonted maintenance, (which was not large,) and providing for other help, which they are engaged for; alleadging further, that M^r Dane, his family being smale, & his accomodation of land very good & convenient, may comfortably subsist without being burdensome to them.

17 March.

Vpon the consideration of the whole matter, & that M^r Dane hath for a long time binn an officer amongst them, wee doe aduise the inhabitants of Andiver freely to allow to M^r Dane thirty pounds p annū, in their accustomed specie of payment, hoping it may accomodate M^r Dane, & if his necessity should require a fuller supply, that the people will not be wanting to testify their respects to him vpon that account.

2^d. Wee doe advise & exhort M^r Dane that he improve his vtmost diligence & abillitje to carry on the publick worship of God as duty doth obleige him, it being too hard for a young man to vndertake so great a worke, & would be a great encouragement to any such to be eased of a great part of his labour, as also to the people the more freely and cheerfully to contribute as abouesajd to M^r Danes maintenance, w^{ch}, wthout such performance on his part, wee haue cause to feare will come from them very heavily; and further, wee advise M^r Dane to carry it to his people wth that tender loue & respect (forgetting all former disgusts) as becomes a minister of the gospell.

3. Because the charge of maintenance for the worship of God will, by this occasion, vnavoidably be augmented, & that the burden thereof hath hitherto lyen on the least number of the inhabitants, by reason of provision made by themselues of their first settling in a way which seemes to vs not æqual, we doe therefore aduise, that for the future they rayse their maintenance (as wee conceive) more agreeing to the gospel rules, viz., that he that is taught in the word should administer, &c, that one may not be eased & another burdened, but that euery man may, according to his abillity, be assessed to pay his due proportion.

This our advice wee proposed to M^r Dane, the church & toune of An-

dover, the 16th of November instant, & humbly submit the same to the judgment of the honored Gennerall Court. 1681-2.

17 March.

DANIEL DENNISON,
W^m HUBBARD,
SAMUEL PHILLIPS,
JN^o RICHARDSON,
SAMUEL APLETON.

The Court, having perused this returne, doe allow & approve thereof; Courts approbation thereof.
and all persons therein concerned are hereby ordered to attend & act accordingly.

*M^r Samuel Torrey being chosen president of the colledge by the corporation, and approved of by the ouerseers, for his incouragement to accept of that service, it is ordered, that the same allowance be settled on him which the former president had, & that was lately past by this Court for M^r Mathers incouragement when he was chosen to that employment. [342.]

Countrys allowance to M^r Torrey, &c.

The toune of Sherborne, being a smale people, & was deserted in the late warr, to their great impouerishing, but being againe resettled, with about thirty familjes, w^{ch} are generally very poore at present, but in hope, through the honnoured Courts favor & benigne aspect, may, in a few yeares, increase, & they having, through the favour of God, procured a minister, whom they hope may continue wth them, especially if they can provide necessary comforts for him, and they being now in building a ministers house & a meeting house, both which uill cost aboue two hundred pounds, they hymbly pray the honno^rable Court to abate them for their country rates for two yeares, or rather, that they uill bestow the sajd rates on them towards the building the sajd meeting house & ministers house, the Court, on the considerations aboue, judg meet to allow to the toune of Sherborne their country rates for two yeares towards the building their meeting house & ministers house. Sherborn 2 yeares rates given to build y^r meeting & ministers house.

In ans^r to the petiçon of John Cooper, in behalfe of y^e selectmen of Cambridge, in referenc to Reynold Bush, the Court judgeth it meet that the mannagment of that whole affaire be referred to the mannagment of the selectmen of Cambridge, who are hereby empowred to make sale of land, or otheruise, as they shall judge meet for payment of just debts, supply & releife of the sajd Bush & family, & that they shall give a true & just account of receits & disbursments when they shallbe legally called therevnto. Courts act as to Reynold Bush, referring it to Cambridg selectmen.

In answer to the motion or petiçon of the church & toune of Wenham, &c, it is ordered, that the secretary issue out seasonable sumons to all persons. Ans^r to Wenham petiçon, a hearing granted.

1681-2.

17 March.

Andouers ex-
chang of land
for y^e ministry
allowed of, &c.

concerned herein of Ipsuish & Wenham to appeare before the Geñill Court next, on the first Tuesday after the election, when there shall be a hearing of the case in order to a full determination thereof.

In ans^r to the petiçōn of M^r Dudley Bradstreet, Jn^o Osgood, Thomas Chandler, & Richard Barker, in behalfe of the toune of Andiver, humbly shewing that, whereas yo^r petiçōners, some yeares since, did giue & grant to Jn^o Fry, Señ, & Richard Barker, Señ, & their heires, one hyndred acres of vpland, to be for the vse of the ministry foreuer, wee, being now to settle another minister, find that this land is not in a suitable place for a minister to dwell in, it being a mile from our meeting house; wee haue found out a place in the toune, neere the meeting house, very convenient, which is the lott of Henry Ingalls, which wee haue procured by way of exchāing for seventy acres of the abouesajd hundred, but the two men wth are the ffeoffees doe feare that their heires may be in danger of after damage or trouble; that it not *being in their power to alljenate the aforesajd land, our humble request therefore is, that the honored Court would confirme this our act, and lay the same entablement on the sajd lott or lving which wee haue purchased as was vpon the abouesd land layd out for the ministry, the grant of which will oblige, &c.

[*343.]

The Court judgeth it meet to allow & approve of the land above mentioned, provided the land exchainged may & shall stand as the former did for the same end & vse of the ministry.

20 M^{ch}, 81-2.

W^m Stoughton,
Esq^r, & Joseph
Dudley, Esq^r,
agents.

The whole Court mett & voted together, by papers, for agents to goe & wayte on his maj^{ty}, &c, & on the scrutiny, W^m Stoughton, Esq^r, was chosen for one wth 21 voates, & Joseph Dudley, Esq^r, was chosen for the other by 18.

23.

Jn^o Richard,
Esq^r, the other
agent.

M^r Stoughton hauing manifested his greate dissatisfaction from accepting and vndertaking the employment & suruice he hath binn chosen to by this Court, &c, after the Court earnestly once & againe desiring his acceptanc, but he persisting in his answer already given, the whole Court came together, & by their voate Jn^o Richards, Esq^r, was chosen to be the other agent.

Instructions for Joseph Dudley and John Richards, Esquires, messengers in behalfe of the colonje of the Massachusetts, for their direction and llimitation in the trust to which they haue binn chosen by this Court.

1. Yow shall most humbly present the humble address of this Court to his royall majesty, with our humble thanks for his gracious respect to the peace & weale of his subjects, scittuate so remote from his royall court; and with refference to complaints exhibbited against us, —

2. Yow shall informe his maj^{ty} that we tooke vp stamping of silver meerley vpon necessitie, to prevent cheats by false peeces of eight, which were brought hither in the tyme of the late confusions, and wee haue been well informed that his maj^{ty} had knowledge thereof, yet did not manifest any dissatisfaction thereat vntil of very late; and if that be a trespasse vpon his maj^{ties} royal prerogative, of which wee are ignorant, wee humbly beg his maj^{ties} pardon and gracious allowance therein, it being so exceeding necessary for our civil commerce, & no way, as wee humbly conceive, detrimentall to his royal majestie.

1681-2.

23 March.

3. That wee haue no law prohibiting any such as are of the perswasion of the church of England, nor haue any euer desired to worship God accordingly that haue been denied.

*4. For liberty of conscience wee haue been, as wee then conceiued, necessitated to make some severe lawes to prevent the violent & impetuous intrusions of the Quakers at their first coming into these parts, and our proceedings therevpon were approoved by his maj^{ty} in his gracious letter of June 28, in the fourteenth yeare of his reigne, w^{ch} also for diuers yeares haue been suspended, vpon the signification of his maj^{ties} pleasure therein; and as for the Annabaptists, they are now subject to no other pœnal statutes then those of the Congregational way.

[*344.]

5. For admission of ffreemen, wee humbly conceive it is our liberty, by charter, to chuse whom wee will admitt into our oune company, w^{ch} yet hath not binn restryned to Congregational men, but others haue been admitted, who were also provided for, according to his maj^{ties} direction, by a lawe made anno 1664, in answer to his maj^{ties} letter of June 28, 1662, and the law restreyning ffreemen to church members only is repealed.

6. And, to prevent irregular trading, yow shall say that wee haue made provision by our lawes; that the acts of trade, so farr as they concerne vs, shall be strictly obserued in this colonje; and that all due encouragement and assistance shall be given to his maj^{ties} officers and informers that may prosecute the breaches of sajd acts of trade and nauigation.

In reference to the kings dues arising by forfeitures of contraband goods, yow shall say, that wee pretend no right or title to any of them, being otherwise settled by acts of Parlyament.

And for appeales to his maj^{ty} & counel in cases concerning his maj^{ties} fuenue, we haue cause to feare it may prooue extreamly burdensome, and, as it may be improoued, intollerable, should it be admitted.

In answer to the clark in his maj^{ties} letter, referring to his officers depositing money before trjall, and paying costs, you shall say, that ffecs for ordinary

1681-2. processe in any of his maj^{ties} Courts neither haue or are demanded or paid in cases concerning his maj^{ties} *revenue, but that it would be accounted & found very burdensome vnto the subject to haue special Courts & iurjes from all parts of the country summoned out of the propper terme times, and from their necessary occasions vpon the meere pleasure of such officers as may desire to give trouble & disquiet to persons, wthout any service to his maj^{ty}, and not to assigne them such compensation as may defray their necessary charge of attendance; and for what hath been assigned to partjes vnjustly persued and vexed, that wee conceive it agreeable with the acts of Parl^{ment}; that officers hauing illegally detejned mens goods should be liable to pay costs & damages; and for tryalls that haue been with any particular persons for their irregular trading, they haue been according to our custome & the libertje of our English nation, (which hath been claymed by the partjes,) by jury, vpon their solemne oathes to giue in their virdicts according to law and euidence given in the case.

23 March.

[*345.]

And yow shall humbly pray his maj^{ties} fauour, referring to plantation goods, that they, hauing paid his maj^{ties} dues, according ^{an} act of Parl^{ment} in the 25th yeare of his maj^{ties}, his subjects in this colonje may haue liberty granted them to transport the said plantation goods into Europe or any other parts & ports, as his maj^{ties} subjects in England may lawfully doe, without being accompted breakers of the act of Parl^{ment} made in the twelfth yeare of his maj^{ties} reigne, and that what plantation goods are loaden directly from hence in to England, Ireland, Wales, or Berwick vpon Tweed, may be landen custome free, his maj^{ties} dues hauing been already paid.

7. Whereas wee haue imposed some smale rates vpon strangers, as well as our oune inhabitants, which hath beene but one penny in the pound sterling, it hath binn donn for the necessary support of the government, and erecting & mainteyning fforts for our deffence, which rates haue beene of late greatly augmented vpon our oune inhabitants (but not vpon strangers) by reason of the late warr with the Indians.

8. In obedience to his maj^{ties} comānd to informe the inhabitants vnder the clajme of M^r Mason, that they make their address to his maj^{ty}, this Court hath informed them of his maj^{ties} pleasure therein, and they being patent vnder the gouernment of the Massachusetts, *and applying themselues to this Courts, we answer, that by patent right, as also by the opinion of his maj^{ties} lords cheif iustices, & the lords of the Comitte for Forreigne Plantations, & confirmd by his maj^{ty} at the council board, July 20th, 1677, our patent is to extend three miles northward of Merrimak, and three miles southward of Charles Riuer, within which ljmits M^r Masons present clajme ljes, and all

[*346.]

tryalls for titles of land ought to be in his majesties Courts vpon the place, and all persons concerned are required to acquiesce therein; and which notwithstanding, M^r Mason submitts not to his maj^{ties} comānds, but still persists in troubling his maj^{tye} wth complaints, and occasioning much trouble & disquiet to his maj^{ties} subjects here, w^{ch} wee humbly craue his maj^{ty} would put a stop vnto.

1681-2.

23 March.

9. For the Prouince of Meyne, yow shall give his mag^{tye} a true relation of our proceedings wth reference to the settlement of our gofⁱⁿment, according to the charter granted to S^r Fardinando Gorges, & of the extraordinary charges, amounting to aboue eight thousand pounds, besides the loss of many of our men during the late warr, and since, for the deffence of his maj^{ties} subjects there against the Indians, who threatned us with another warr.

10. Forasmuch as his maj^{tye} hath in his late letters graciously intimated to us, & to our messengers, (in their late attendance,) that he hath no intention to violate or infringe our charter, we therefore doe not vnderstand by the regulation of the gouernment, that any alteration of the patent is intended; yow shall therefore neither doe nor consent to any thing that may violate or infringe the liberties & priuiledges granted to us by his maj^{ties} royall charter, or the gouernment established thereby; but if anything be propounded that may tend therevnto, yow shall say, yow haue received no instruction in that matter, and shall humbly craue his maj^{ties} favour that yow may not be constreyned to make answer thereto, but haue liberty to give an account thereof.

11. Yow shall endeavour to give his maj^{ty} & honno^rble covncil satisfaction with refference to the premisses, humbly crauing the contiⁿuance of his maj^{ties} grace and favour toward us, who haue alwayes endeavoured to approue ourselues his maj^{ties} most loyall subjects, & promoters of his croune & dignitie, & w^{ch} alwayes we shall continue to doe. And wherein there hath been any varying from the strict termes of his maj^{ties} royall charter, yow shall beg his princely consideration of the circumstances of our condition in all respects, (whilst our allegiance to his majesty hath binn *sincerely majnteined,) sup^{pl}icating his gracious pardon for what of that nature is past, which wee haue now amended, & obleiging that our patent shallbe the rule, according to which wee shall endeavour to frame our lawes more strictly for the future.

[*347.]

By the Court.

Signed,

EDWARD RAWSON, Secre^t.Dated in Boston, in New England, 15th February, 1681.

In answer to the petition of the selectmen of Billirrica, to the quæstion

1681-2. therein made, the Court judgeth it meete to referr all persons concerned to
 23 March. what the law determines in those cases, & declares the former act of settlement, dated October 12, 1669, for the payment of thirty eight shillings p annū by the Wymans to Billirrica, is hereby made voyd.

1682. *At a Gennerall Court for Elections, held at Boston, 24th of May,
 24 May. 1682.

[*348.]

SYMON BRADSTREETE, Esq^r, was chosen Governo^r for y^e yeare ensuing, & tooke his oath.

Thō Danforth, Esq^r, was chosen Dep^t Gōvno^r for y^e yeare ensuing, & tooke his oath, & 2^d Comiss^r.

Richard Saltonstall,

Daniel Gookin, and

Daniel Dennison,

John Pyncheon,

W^m Stoughton, and

Joseph Dudley,

Peter Bulkley, and

Nath Saltonstall,

Humphrey Dauy,

W^m Broune,

Jn^o Richards,

Samuel Nowell, and

John Hull,

James Russell, and

Peter Tilton,

Barthol^o Gidney,

Samuel Apleton,

Robert Pike,

} Majo^r Gennerall, & tooke his oath.

} 1st Comissioner for y^e Vnited Colonjes.

} 2^d Comission^r for y^e Vnited Colonjes.

} Esq^s, were chosen Assistants for y^e yeare ensuing, & tooke y^eir oaths, as vide D^bbook.

} 1st Comission^r in reserve.

} Treasurer for y^e yeare ensuing, & took his oath.

Edward Rawson, & was chosen Secretary for y^e yeare ensuing, & tooke his oath.

Here followes the names of the deputjes returnd from the seuerall townes to serve at y^e Court:—

M^r Edmond Batter, M^r Samuel Gardiner, Salem.

Cap^t Richard Sprague, M^r Jn^o Cutler, Charl^s.

M^r James Blake, Dorch.

M^r Anth^o Stoddard, M^r Elisha Cooke, Cap^t Elisha Hutchinson, Boston.

M^r Edw^d Morrice, Roxbury.

M^r Symon Stone, Water T.

M^r Edw^d Winship, M^r John Stone, Camb^r.

M^r Andrew Mansfeild, Lyn.

M^r Jn^othā Wade, Cap^t Jn^o Whiple, Ipswich.

Cap^t Danⁱ Pearse, New^b.

M^r Daniell Cushin, Hingh.

M^r Stephen French, Wey.

Cap^t Daniell Fisher, Dedh.

M^r Joseph Pynchon, Springf.

M^r Jn^o Flynt, Concord.

Cap^t Jn^o Wayt, Maulden.

M^r Jn^o Broune, Redding.

Left W^m Johnson, Woo^b.

M^r W^m Haskall, Glosester.

M^r Samuel Thompson, Braintry.

M^r John Pickard, ^{Felmon}, Rouley.

Cap^t Jn^o Wayte, Malden.

Cap^t Georg Barber, Medfeild.

M^r [^], Marlborough.

Left W^m Clarke, Northampton.

Left Phillip Smith, Hadley.

Cap^t Georg Barber, Meadfeld.

M^r W^m Blake, for Milton.

M^r Excercise Connant, Beverly.

Cap^t Daniel Fisher was chosen Speaker for y^e session.

*This Court, taking into consideration that by the frequent exportation of our New England coyne out of the country, whereby com^{er}ce and trade is very much obstructed, as an expedient to keepe money in the country, it is ordered, that all peices of $\frac{3}{8}$, as pillar, civil, & Mexico coyne, that are good silver, shall passe amongst us as currant money of New England, according to their weight in the present New England coyne. [*349.]

Humphry Davy & John Hull, Es^qs, are appointed, wth Cap^t Elisha Hutchinson, M^r Elisha Cooke, & Cap^t Richard Sprague, as a com^{it}tee Com^{it}tee to take y^e Tresurers acco^t.

1682.

24 May.

1682.

24 May.
President Rogers
sallery.

to examine & receive the Tresurers accounts, & make their returne to the next session of this Court, in October.

The Refend M^r John Rogers being now chosen president of the colledge at Cambridge by the corporation, & y^e choyce approved on by the oſeeres of the colledge, it is ordered, that his yearly allowanc be one hundred pounds in money, and fifty pounds in other pay, during his continuanc in that place & employ.

M^r Andrews &
M^r Cottons
recompence, 50^u
betweenethem.

It is ordered, that M^r Sa^m Andrews & M^r John Cotton, the two fellows of Harvard Colledge, (having tooke much paynes & vsed much diligenc in carrying on the presidents worke, since M^r Oakes death, to good satisfaction, for their encouragement, & in recompence of their service, shall haue paid vnto them by the Treasurer of the country fuetty pounds in money.

Fortifications
to be repaired,
&c, at Charle
Tou. & Salem,
&c.

Whereas it is informed that the ffortifications at Charls Toune & Salem are very deffective & vnseruiceable, if occasion should require, this Court doth therefore comend it to the care of the comittees of militias & selectmen of said townes, by the aduice of the majo^r gennerall, forthwith to repayre the said fortifications, or, if neede be, to build or rayse such fort or forts as shallbe necessary for defence of said townes; and the sd comittees and selectmen of said townes are heereby impowred to levy vpon their respective townes & inhabitants such summe or summes as may effect the same.

M^r Stoughton
& M^r Bulkleys
comission, &c.

The Gennerall Court hauing appointed & impoured M^r Stoughton & M^r Dudley to doe what is yet necessary pursuant to the psecution of the 4th & 5th article of their returne made February 18th, 1681, and to make returne of what they doe therein to this Court, refference to the order in that matter being had, it is now ordered, that M^r Bulkley be impoured & joyned with M^r Stoughton, in the roome of M^r Dudley, to pursue the premisses to effect, they making deeds of sale from the Indians to be to the Go^un^r & Comp^a of y^e jurisdiction.

M^r Stoughton
& M^r Hull a
comittee about
licences.

It is ordered, that W^m Stoughton & Jn^o Hull, Esq^s, be & hereby are impowred to joyne wth James Russell, Esq^r, Treasurer, &c, as to make agreements wth the inkeepers & vintners, in the steed & roome of M^r Dudley & M^r Richards.

[*350.]

Ans^r to Leif^t
Jn^o Maudsleys
pet.

*In ans^r to the petition of Leif^t John Maudsley, of Westfield, the Court judgeth it meet to reffer the whole matter thereof to the consideration of the County Court of Hampshire, who are heereby empowred to act herein, and to settle it in such a way as the law in this case doth direct, and as may remoove all just ground of complaint from the peti^oner.

27 May.

Know all men by these presents, that wee, whose names are vnderwrit-

ten, proprietors of the Indian plantation neare Marlborow, and haue right to the land and priuiledges there, doe freely consent, vpon consideration of a valuable sume of money secured to be paid to us by Samuel Gookin, of Cambridge, doe grant to him, the said Gookin, his heires and assignes, free liberty to erect a saw mill vpon any brooke or runn of water within the said Indian plantation, wth so much land as is vsefull for damming, wharfing, pond, &c, not exceeding three acres, and vse any timber that is suiteable to saw, especially pine timber; to haue & to hold the same, during the space of thirty yeares, to him, his heires and assignes; and also, wee, the said proprietors, doe empower the sd Gookin to preserve our interest in wood & timber during the said tyme, and to sue, arrest, and implead, in our names, all such as shall trespass vpon our land in the said place; and all this wee grant to him, as afore-said, vpon condition the Gennerall Court doe approoue and consent therevnto. In witness hereof wee doe sett our hands & seales, May eighteenth, 1682.

1682.

27 May.

In the presence of	WABANS, X mark & a seale,	} in bla wax.
	PYAMBOW, O mark & a seale,	
	GREAT JAMES, V m ^k & a seale,	
	THOMAS TRAY, m ^k & a seale,	
	JOHN MICOS, his m ^k & a seale,	

Waban, Pyambow, Great James, John Magus, personally appearing, acknowledged this deed, May 19th, 1682, before me,

WILLJAM STOUGHTON.

And was annex: Forasmuch as the Indians, our neighbour proprietors of the towneship of Whip Sufferage, neere Marlborough, haue, by a writting vnder their hands & seales herevnto annexed, acknowledged, by the priuile of them, before vs, the 19th of May last, at Natick, granted liberty to Samuel Gookin to build a saw mill vpon a brooke or runne of water within their bounds, and the quantity of about three acres of ground for the mill and damm to stand vpon, wth liberty **liberty* of timber, especially pine, for to saw into boards, &c, and all this for satisfaction to be given them by him, to be enjoyed by him for the terme of thirty yeares, wee haue heard the parties, and considered the matter, añ conceive it willbe for the publicke good of the place and no prejudice to the Indeans, there being abundanc of pine timber vpon the place, as wee are informed, and no great oppertunity of sale but only to the people of Marlborough; and therefore, if the Court please to confirme

27 May.

[*351.]

1682.

27 May.

the sajd grant, wee see no inconvenience to any English or Indian, but a publick vtillity in it. Dated the 27th of May, 1682.

W^m STOUGHTON,
JOSEPH DUDLEY.

The Court doth allow & confirme what is aboue desired.

As attests EDWARD RAWSON, Secret^r.

& stands thus entred & recorded at the request of M^r Gookin, leaūg a copi.

Attests EDW^d RAWSON, Secret^r.

To all people to whom these presents shall come, greeting: Know yee that wee, Waban, Pyambow, Tom Tray, John Magos, Peter Ephraim, John Awassamug, John Macqua, all now inhabitants of Naticke, for and in consideration of a valuable sum of money secured to be paid to vs by Samuel Gookin, of Cambridge, and Samuel How, of Sudbury, doe, with the consent and approbation of the rest of the proprieto's, by these presents acknowledge to be fully satisfied and contented, and thereof, and of euery part thereof, doe fully, clearly, and absolutely acquitt, exonnorate, & discharge them, the sajd Samuel Gookin and Samuell How, their heires, execcutors, and administrato's for euer, by these presents, haue granted, bargained, and sold, alljened, enfeoffed, & confirmed, and by these psents doe fully, clearly, and absolutely grant, bargain, and sell, alljene, enfeoffe, and confirme vnto them, the sajd Samuel Gookin & Samuell How, a parcell of land lying and being in the bounds of Natick, conteyning, by estimation, two hundred acres, more or lesse, bounded wth Sherborne līne southerly, wth John Bent and David Stones land northerly, Henry Rices land and Catchechauitt Pond easterly, to haue and to hold the aboue granted premisses, be the same more or less, wth all the priuiledges and appurtenances to the same apperteyning, or in any use belonging, to them, the sajd Samuel Gookin and Samuel How, their heires and assignes for euer, to thejre only propper vse and bennefit; and wee, the abouesajd Waban, Pyambow, Tom Tray, John Magos, Peter A, John Awassamug, for vs, our heires, administrators, and assignes, doe couenant, promise, and grant *to and wth the sajd Samuell Gookin and Samuel How, their heires and assignes, by these presents, that they, the sajd Samuell Gookin and Samuell How, shall and may at all times, and from time to time, for euer hereafter peaceably and quietly haue, hold, occupy, and enjoy the aboue granted prem-




[*352.]

isses, wth all the priuiledges and appurtenances therevnto belonging, w^{thout} the lett, denyall, or contradiction of us, Waban, Pyambow, Tom Tray, John Magos, Peter Ephrajm, John Awassamug, John Macqua, our heires, executo^rs, admi^strato^rs, or assignes, of them, or either of them, or by any other person or persons whatsoever, lawfully clayming, or hauing any right, title, or interest therein, or in any part or parcell thereof, by, from, or vnder vs. In wittnes whereof, wee, the aboue named Waban, Pyambow, Tom Tray, John Magos, Peter Ephrajm, John Awassamug, John Macqua, haue herevnto put our hands and seales, this 19th day of May, 1682.

1682.

27 May.

Scalled and deliuered in
the presence of vs.
Edw^d West,
Thomas Sawin.

WABANS marke,  & a seale,
PYAMBOW,  mark, & a seale,
TOM TRAY,  m^k, & a seale,
JOHN MAGOS, & a seale,
THO: WABAN, & a seale,
JN^o MACQUA^R, & a seale,
^ ^ a seale.

Waban, Pyambow, Jn^o Magos, Thomas Waban, & John Macqua acknowledged this deed, May 19th, 1682, before me,

WILLIAM STOUGHTON.

Annex^t.

Whereas wee are appointed by the Gennerall Courts order, dated the 15th of February, 1681, to transact some matters relating to the Indeans, concerning their lands, and being vpon that occasion at Naticke, the 19th of May, there was presented vnto vs the deed of sale herevnto annexed from the principall men of Natick, which they acknowledged before vs, made to Samuell Gookin & Samuell How, for a parcell of remote & wast lands belonging to the sajd Indians, lying at the vttmost westerly bounds of Natick, and, as wee are informed, haug seene the platt thereof, is, for quantity, about two hundred acres, more or less, being meane land, and ffor the most part encompassed wth lands belonging to the English; and, hauing inquired into the matter, wee conceive it willbe no pjudice or inconvenience to the Indians, or their plantation, of Natick to sell the same to the persons concerned, *which, at request of parties, both Indeans & English, wee offer to the Court for their confirmation of the sajd sale. Dated the 27th of May, 1682.

[*353.]

WILLIAM STOUGHTON,
JOSEPH DUDLEY.

1682.

27 May.

The Court doth allow & confirme what is aboue desired, as here thus recorded,

As attests EDW^d RAWSON, Secre^t,

at request of M^r Gookin he leaving a copie on file in their stead.

Butler & Holloways case finally issued.

In the case now depending between Stephen Butler and William Holloway, &c, coming to this Court by petition of said Butler, touching the estate of the late Benjamin Ward, deceased, the Court, on a full hearing of the case, & persvall of all evidences produced in the same, vpon all considerations, & for a fynall issue of this troublesome case, the Court doe judge & determine that the said Willjam Holloway, Seⁿ, his children, i. e., Willjam Holloway, Benjamin Holloway, and Mary Holloway, shall pay vnto the said Butler the sume of one hundred & fuetty pounds, currant mony of New England, wthin one yeare after the date hereof, by æquall portions quarterly, w^{ch} being duely payd, the said children shall peaceably enjoy all the houses and lands which the said Ward djed seized of, together wth what hath binn builded since his death vpon said land, to them and their heires foreuer; and for the costs of these three seuerall Courts where the case hath binn last trjed, each party to beare their owne charges.

Hampshire associates.

Leiften^t W^m Clarke, Cap^t Aron Cooke, & Leiften^t Phillip Smith were allowed & approved of for associates for the County Courts in Hampshire for y^e yeare ensuing.

Ans^r to Mendon petition, & freedome from rates one yeare, &c.

In answer to the petition of the inhabitants of Mendon, craving the Courts favour for abatement of country rates this yeare, 1682, which this Court judgeth meet to grant; and as to that part which refers to Indians, the petitioners may take notice, that the Court hath provided in this case by a law made in October last, in w^{ch} they may rest satisfied. Touching Robert Taffe, the person complaind of for irregular trading wth the Indeans, that matter is wholly left to the County Court of Suffolke to doe therein as they shall judge meet vnto whom, the petitioners may apply themselves for reliefe.

[*354.]

Ans^r to Jn^o Coleman petition, &c, as to Hindsdale estate.

*In answer to the petition of Jn^o Coleman & Mehittabell Coleman, formerly widdow & relict to Samuel Hensdale, sometimes of Dearefeild, & administrator to his estate, humbly crauing the Courts favour for giving legall deeds of sale to seuerall persons who purchased lands of said Hendsdall in his life time, & haue no assurance of it, the Court judgeth meet to grant their desires, and doe hereby impower them to pass deeds as aforesaid to all such persons as shall make their just right to appeare to the County Court of that shire, & to be recorded accordingly; and further, it is ordered hereby, and

the Court of that county are hereby impoured to order the sale of so much lands as may be necessary for the payment of just debts, & taking vp of such mortgages as in the petition is exprest.

1682.

27 May.

At this Court, M^r Zerubbabell Endicots attorney, Left Felton, appeared, but refusing to giue caution to haue his case heard, w^{ch} was granted by the last Court, M^r Putnam being present, & being willing to proceed, the Court proceeded, & received in the retorne of the comitte, under exprest : —

Salem, Novemb^r 15, 1681.

Wee, whose names are vnder written, being nominated and appointed by the honorable Gennerall Court, held at Boston, October 12th, 1681, to endeavor a more full and sattisfactory settlement of the bounds betweene the farmes of M^r James Alljn, of Boston, and Nathaniel Putnam & Joseph Holton, of Salem, wee repaying to the place of controüsy the 15th 9th, 1681, and hauing given notice to the persons concerned therein, who, attending the same the next day, & hauing a copie of the originall grant of M^r James Allins farme out of Salem Toune booke, together with the coppe of M^r Endicots farme, which was next adjacent, wee endeavored to lay M^r Allins farme exactly according to the first grant of it, being guided by the record of it and the best testimony could be obteyned. Wee begann at an old hemlock, fallen doune, and lying by the side of the old sawmill place ; from thence wee ran south sixe degrees & 30 min^{ts} east, one hundred & sixteene pole, to a stake ; from thence wee ran north seventy one degrees west, fowre hundred pole, to a great maple, old mark, A, standing a litle westward of a swamp, and by a brooke in that place ; from thence north sixe degrees & 30 minu^{ts} west, to a popular, old marked, wth A ; from thence wee rann south seventy nine degrees east, one hundred & flucty sixe pole, to a stake (eastward of the old orchard) standing by the side of a bridge ; from thence in a direct ljne to another bridge, called Hadlocks bridge, to a rocke lying in the brooke by the *side of the bridge ; & from thence in a direct ljne to the first hemlock, which last ljne is according to a former agreement betweene M^r James Allin & Nathaniel Putman, for the setling of their bounds in that place betweene them wth in the ljnes mentioned, is conteyned three hundred acres, according to first grant of it to M^r Bishop : also wee haue added eight acres to the former farme, at the north east corner of the sawmill place, (according to Salem record of M^r Bishops farme, as aforesajd,) bounded by the water of the brooke that divides between M^r Endecot & M^r Skelton ; also wee haue ordered the sur-

Comittees re-
turne for settle-
ment of M^r Al-
lins & M^r Put-
mans farme.

[*355.]

Y^r platt is on
file.

1682. veyor, Jonathan Danforth, to make a returne of the *the* eight acres, wth the
 platt & reccord of the aforesajd ffarme, this 18th 9 m, 1681.
 27 May.

EDMOND BATTER,
 DANI: FISHER,
 JOHN WAITE,
 W^m JOHNSON,
 ANDREW MANSFEILD.

The Court haue past this returne of the comittee aboue written.

Nath. Stowes
 ffarme of 250
 acres lajd out.

The land represented by a platt, deliuered into this Court, conteynng a quantity of two hundred ffty & three acres, layd out for Nathaniel Stow, of Concord, is bounded from A to B by Marlborough bounds line; from B to C, and from C to D, and from D to A, by country land, the līne being extant by marked trees, layd out 23 April, 1675.

JN^o FLYNT, Surveyor.

The Court allowes of this returne.

Ans^r to Mary
 Hutsons peti-
 cōn.

In ans^r to the petiōn of Mary Hutson, relict of John Hutson, hir late husband, humbly craving this Courts favour to impower hir to sell or mortgage the house & land of hir s^d late husbands for the payment of his debts, the Court grants hir request, so as M^r Humphry Davy consent to hir saj^d act.

Ans^r to Mary
 Feilds petiōn.

In ans^r to the petiōn of Mary Feild, relict of Rob^t Feild, humbly desiring the favour of this Court to grant hir liberty to sell y^e house & smale parcell of land formerly given to hir husband & self, hauing but litle household stuff to maynteyne herself & smale children, the Court judgeth it meet to grant hir petiōn.

21st to be pd to
 M^r Jnth. Gil-
 bert by y^e Tres^r
 for 21 mo. diet
 of Jnth. Wells,
 &c.

This Court, in May, 1680, hauing allowed to M^r Sam^l Steele twenty one pounds, in country pay, for 21 months diet of Jonathan Wells, a wounded soldier, w^{ch} the saj^d Steele not accepting, sued M^r Jonathan Gilbert, of Hartford, & recouered of him a greater sūme; wherefore now, at the motion of saj^d Gilbert, this Court orders the saj^d twenty one pounds to be paj^d by the Tresurer to the saj^d M^r Gilbert, or his order, provided that due care be taken by y^e Tresurer that it be not again paj^d to saj^d Steele, or any other, by his order.

Tho. Addams
 leif of Chelms-
 ford.

Ans^r to Han-
 nah Hides pet.
 as to Kendricks
 estate.

Ensigne Thomas Addams is appointed to be leif^t to the ffoot company in Chelmsford, vnder ye comānd of Cap^t Samuel Addams.

[*356.]

*In ans^r to the petiōn of Hannah Hide, the Court judgeth it meet to

confirm the settlement of Elijah Kendricks estate, made by the County Court for Middlesex, as is therein recited.

1682.

In ans^r to the petiçōn of Sarah Hubbard, relict of M^r Richard Hubbard, the Court approves of the sale of y^e peece of land mentioned in hir petiçōn.

27 May.

Ans^r to M^{rs} Sarah Hubbards petiçō.

In ans^r to the petiçōn of Elizabeth Beers, relict & administratrix with Eliaz^r Beers, administrator to the estate of the late Cap^t Rich^d Beers, humbly desiring the favour of this Court, that he may haue liberty to lay out three hundred acres of land, formerly granted to sajd Rich^d Beeres, but lately taken in to M^r Nowells farme, new bounded, & before his granted, the Court grants their request in any free land vndisposed of by any artist, &c.

Ans^r to widow Beers, &c., petiçōn.

I, Peter Goulding, doe acknowledg vnto this Gennerall Court, worthy of honnour, that so farr as the suspending of their sentence against me was in favour or kindness to me or mine, I doe acknowledg it worthy of thanks, & doe hereby in all humility render my hearty thanks for the same. I doe acknowledge that from God I haue justly deserued the fine or punishment I am sentenced vnto. I doe acknowledg, that in the matter & manner of my complaint, I acted foolishly, and sinned against God, and that it is not in my oune power to act otherujse. I doe acknowledge that it is high time for the repentance of every man, and cheifly of

P^e. Gouldings acknowledg-ment, & fine remitted.

PE: GOULDING.

The Court accepts of his acknowledgment, & remitts his fine.

In ans^r to y^e motion of Symon Lobdell, the Court judgeth it meet to order the Tresurer to pay him twenty fower shillings for stirrvps & girts for y^e souldiers, & for keeping two Indians, &c, as in his petiçōn.

Ans^r to Symon Lobdells petiçōn.

In ans^r to the petiçōn of John Mason, of Dorchester, one of the executors of Jane Burg, some time wife of John Gurnell, the Court judgeth it meet to grant the petiçōners request, liberty & power to make sale for y^e ends mentioned in the petiçōn.

Ans^r to Jn^o Masons petiçōn.

In ans^r to the petiçōn of John Hoare, & on further consideration thereof, the Court judge meet, for his service donn for the publick, &c, to grant to the uife & children of the sajd John Hoare two hundred acres of land, in any coimon lands free from former grants, & not hendering a plantation.

Courts grant to Jn^o Hoares wife & children, 200 acres.

M^r Ralph King is appointed, on the request or motion of the militia of y^e toune of Lynne, to be leif^t to y^e troope of horse in Lynne.

Ralph King lef^t to y^e troop at Lynne.

*Humphry Davy, Samuell Nowell, Esq^s, Cap^t Richard Sprague, M^r Elisha Cooke, Leiut W^m Johnson, & Cap^t Jn^o Wayte are appointed a comitte

[* 357.]
Comitte abt y^e collged.

1682.

27 May.

to examine the colledge account, given in by M^r Jn^o Mañing, & what hath binn expended as lent vnto the colledge out of the corporation stocke or otheruise, that it may be repayd, and also to consider what is meet to be allowed & given to the stewards that haue had the mannagement thereof all this time, making return of what they doe at October sessions.

Maj^r Pinchons
recompence for
his journey,
&c, als^t M^r
Bulkleys suite.

It is ordered, that the Tresurer pay Major John Pynchon fīue pounds money for his service & cost as to his journeys & costs at Hartford Court, about M^r Bulkley suit ag^t him.

Ans^r to Jn^o
Muns petiçion.

In ans^r to the petition of John Mun, the Court judgeth it meet to order the Tresurer to pay him fīue pounds in country pay.

M^r Peleg San-
fords to haue
his ballance, &c.

M^r Peleg Sanfords account, presented by Thō Danforth & Joseph Dudley, Esq^r, w^{ch} is on file, the Court judgeth it meet to order the Tresurer to pay to Major Peleg Sanford, or his order, our proportion of the sixty pounds ballance in or as money.

Ans^r to Cap^t
Tounsends pe-
tiçion, a hearing
in October
next.

In answer to the petition of Cap^t Penn Tounsens, for a hearing of his case in fine, the Court granted a hearing of y^e case, but respitted the hearing of the case till the first Tuesday in the next sessions of this Court, at nine of the clōke, on the same caution, & the goods attached by y^e sajd Tounsens to remajne vnder y^e attachment till y^e judgment of the Gennerall Court in October next be past.

Comittee as to
Squaheage, &c.

Whereas, vpon the petition of the inhabitants of Northampton, and others, in 72, a plantation was granted to them, vpon conditions expressed in sajd grant, vpon Connecticot Riuer, at a place there called Squaheage, and a comittee appointed & empoured by this Court to order & regulate the affaires of that plantation till this Court take further order, — now, forasmuch as the major p^{rt} of sajd comittee are dead, vpon the petition of the proprietors, this Court judgeth it meet, & doe hereby nominate & appoint Ensigne John Lyman, Serjant John King, & Serjant Preserved Clap to supply the place of the deceased, & to joyne wth the remaying part of the former comittee, and that they, or the major part of them, shall haue the full power of y^e former comittee, and to act in all respects as in s^d order is provided.

[*358.]

Order for re-
setling of Dear-
feild, &c.

*In ans^r to the petition of Richard Weller & other inhabitants of Deerfeild, the Court not being satisfied that they may give away other proprietjes wthout their consent, yet being desirous to doe what may promote the setling sajd plantation, doe comēd it to the rest of the proprietors to follow the good example of those that haue given vp euery tenth acre, or otheruise, as they shall see cause, it being a very probable way to gaine more vsefull inhabitants for planting & setling sajd place; and as for the orphants, whose right & propriety^s are not to be made voyd by this Court, but rather secured for them, or

that which maybe as good for them, the Court judgeth it meet that they choose their guardians, who may act for them, referring to those orphans lands as such guardians judg best for securing the orphans estate, wth respect to the furthering, promoting the planting, & speedy settling the said plantation; and for such children as are not capable of choosing guardians, the County Court for Hampshire are to make supply in appointing guardians who may act for them accordingly; and this order of Court to be their warrant in so doing, and security to such guardians having allowanc & approbation of the County Court therein.

In answer to the petition of Edmond Sheffield, of Braintree, the Court, having perused a deed of sale made by the administrators of the late Lieutenant Joshua Fisher, who were impoured therevnto by this Gennerall Court, doe judge that the said deed of sale is and ought to be accounted good to all intents & purposes, according to the trust comitted to them, the said administrators.

1682.

27 May.

Whereas wee are appointed by the Gennerall Courts order, dated 15 of February, 1681, to transact some matters relating to the Indians concerning their lands, & being vpon that occasion at Naticke, the 19th of May, there was presented vnto vs the deed of sale, herevnto annexed, from the principall men of Naticke, which they acknowledged before vs made to Samucll Gookin & Samucll How, for a parcell of remote & wast land belonging to the said Indians, lying at the vtmost westerly bounds of Naticke, and, as wee are informed, (having seen the platt thereof,) is for quantity about 8 acres, more or lesse, being mean land, & said the most part encompassed wth land belonging to the English; & having inquired into the matter, wee conceive it will be no pjudice or inconvenience to the Indians or their plantation of Naticke to sell the same to the persons concerned, w^{ch}, at y^e request of partjes, both English & Indians, wee offer to the Court for their confirmation of y^e sd sale.

Mr Stoughton
& Mr Dudley's
certificat &
Courts confir-
mation of y^e
Indians deeds
of sale to Sam.
C. 17.

Dated 27 May, 1682.

WILLIAM STOUGHTON,
JOSEPH DUDLEY.

The Court past their allowanc hereof, & confirmation of y^e deeds annext.

*To all Christian people to whom this present deed of sale shall come, [*359.]
greeting.

Know yee that wee, Waban, Pyamboho, John Awasamog, Thomas Awasamog, Samuel Awasamog, John Awasamog, Juno^r, Anthony Tray, John Tray,

1682.

27 May.

Peter Ephraim, Nehemiah, James Rumney Marish, Zackary Abraham, Sam Neancit, Symon Saconit, Andrew Pittyme, Eliazer Pegin, John Maquaw, James Printer, Samuell Acompanit, Joseph Milion, Elisha Milion, & Cocksquannion, Indian natives, and *and* naturall descendants of the annient proprietors & inhabitants of the Nipmug country (commonly so called) and lands adjacent, wthin the colony of the Massachusets in New England, for and in consideration of the summe of thirty pounds currant money of New England to us in hand, at and before the ensealing and deliuey of these presents, well and truely paid by Willjam Stoughton, of the toune of Dorchester, Esq^r, and Joseph Dudley, of the toune of Roxbury, Esq^r, both wthin the said colony of the Massachusets, the receipt of which valuable summe wee doe hereby acknowledge ourselues therewith fully satisfied, contented, and paid, and thereof and of euery part and parcell thereof, wee and euery of us respectively doe exonnorate, acquit, and dischargd the said Willjam Stoughton and Joseph Dudley, and either of them, their each and euery of their heires, executors, administrators, & assignes, for euer, by these presents; haue given, granted, bargained, sold, aliened, assigned, enfeofed, and confirmed, and by these presents doe freely, fully, & absolutely give, grant, bargain, sell, aljene, assigne, enfeofe, convey, assure, and confirme vnto the said Willjam Stoughton and Joseph Dudley, theire heires and assignes, for euer, all that part of the Nipmug country aboue named, or their tract of land scituate, lying, and being beyond the great ryuer called Kuttatuck or Nipmug Ryver, and betweene a range of marked trees, beginning at the said riuer, and runing south east till it fall vpon the south lyne of the said Massachusets colony on the south, and a certeine imaginary lje fowre miles on the north side of the road, as it now lyeth, to Springfeild on the north, the said great riuer of Kuttatuck or Nipmug on the eastward, and the said patent lje on the westward; all the lands lying within the said llimits or bounds, be the contents thereof more or less, together with all *and singular the rights, members, jurisdictions, libertjes, wajes, riuers, waters, water courses, springs, ponds, pooles, pasturage, herbage, feedings, commons, commodities, heridittaments, and appurtenances watsoever in or vpon the said tract of land, or any part or parcel thereof or there vnto in any *in any* wise belonging or apperteyning, wth all woods, vnderwoods, timber, and trees whatsoever now standing, grouing, lying, or being, or w^{ch} hereafter shall stand, growe, lye, or be vpon the said bargained premisses, or any part or parcell thereof; and all fishings, fowlings, huntings, heridittaments, profits, and priuiledges whatsoever thereto belonging, with the same now or at any time hereafter to be had, vsed, occupied, & enjoyed; and all the estate, right, title, interest, vse, propriety, possession,

[*360.]

1682.

27 May.

Waban & com-
pany of Indians
of Nipmug,
deed of sale.

[*361.]

claime, and demand whatsoever of them, the said Waban, Pyamboho, John Awassamog, Thomas Awassamog, Sam Awassamog, John Awassamog, Junio^r, Anthony Tray, John Tray, Peter Ephraim, Nehemiah, James Runney Marsh, Zachary Abraham, Sam Neancit, Symon Sacomit, Andrew Pittome, Eliazer Pegin, John Maquau, James Printer, James Accompanit, Joseph Milion, Elisha Milion and Cocksquannion, and euery of them, of, in, or to the said tract of land, or any part or parcel thereof, and priuiledges & appurtenances therewith granted; to haue and to hold the aboue granted tract of land, being part of the Nipmug country, (commonly so called,) as aboue limited and bounded, be the contents thereof more or less, and all other the aboue granted premisses and appurtenances, vnto them, the said Wjlliam Stoughton and Joseph Dudley, their heires & assignes, and to their only proper vse, benefite, and behoofe, from henceforth foreuer. And wee, the said Waban, Pyamboho, John Awassamog, Thomas Awassamog, Sam Awassamog, John Awassamog, Junio^r, Anthony Tray, John Tray, Peter Ephraim, Nehemiah, [^] Rufney Marsh, Zackary Abraham, Sam Noancit, Symon Sasomit, Andrew Pittome, Eliazer Pegin, John Maquaw, James Printer, James Accompanit, Joseph Miljon, Elisha Milion, and Cocksquannion, Indian natives, present possessors and inhabitants of the said Nipmug country, and naturall descendants of the auntient proprietors and inhabitants thereof, doe, for ourselues, our heires, executors, & administrators, covenant, promise, and grant to and with the said *Wjlliam Stoughton and Joseph Dudley, their heires and assignes, in manner following: viz^t, that at the tyme of their bargaine and sale, and vntil the en-sealing and deliuey of these presents, wee are the true, sole, and lawful ouners, proprietors, and possessors of the aboue bargained land, premisses, and appurtenances, and stand lawfully seized of and in the same in our oune proper right of a good estate of inheritaunce in fee simple, without any manner of condition, reversion, or limitation of vse or vses whatsoever; free and cleere, and freely acquitted and discharged of and from all former and other bargaines, sales, mortgages, judgments, executions, titles, troubles, charges, alienations, and incumbrances whatsoever; and that wee haue in ourselues full power, good right, and lawfull authority to grant, bargaine, sell, convey, and assure the aboue bargained premisses, and euery of them, vnto the said Wjlliam Stoughton and Joseph Dudley, their heires and assignes, in manner as is afore expressed, and the afore granted tract of land conteyned within the lymitts and bounds aboue expressed, both vpland, meadows, swamps, and wood ground, and all other the premisses, liberties, and appurtenances unto the said Wjlliam Stoughton and Joseph Dudley, their heires and assignes, against ourselues and euery of us respectively, our and euery of our respective heires, executors, and administrators,

1682.

27 May.

trato's, and against all & euery other person and persons whomesoeuer, clajm ing any right, title of interest therein, wee will warrant, mainteyne, and for euer defend by these presents, and will, at any time or times hereafter, vpon demand of the said Willjam Stoughton and Joseph Dudley, their heires or assignes, give vnto them more full and ample conveyance and assurance of the said bargained premisses, and doe any further act or acts, thing or things, deuice or deuices in the law whatsoeuer, for the better confirming and most sure making of the same, according to the true intent and meaning of these presents. In wittness whereof, wee, Waban, Pyamboho, John Awasamog, Thomas Awasamog, Sam Awasamog, John Awasamog, Jun^r, Anthony Tray, [*362.] *John Tray, Peter Ephraim, Nehemiah, James Rumney Marsh, Zackary Abraham, Sam Neancit, Symon Sasomit, Andrew Pittome, Eleazer Pegiu, John Maquaw, James Printer, James Accompanit, Joseph Milion, Elisha Milion, and Cocksquannion, haue herevnto sett our hands & seales, this tenth day of February, anno Domini one thousand six hundred eighty one, and in the fower & thirtjeth yeare of the reigne of our soueraigne lord, King Charles the Second, ouer England, &cā.

Signed, sealed, & deli-
 uered in psence of vs,
 Samuel Rugles, Señ,
 Daniel Morse,
 Sam Gookin,
 John Allen,
 Obadiah Morse.

WABAN, **X** his mark, & seale,
 PYAMBOHO, **θ** his m^rke, & seale,
 JOHN AWASAMOG, **O** his m^rk, & seale,
 SAMUEL AWASOMOG, **∞** his m^rk, & a seale,
 SAMUEL BOMAN, **l** his m^rk, & a seale,
 JOHN AWASAMOG, **Y** his m^rke, & a seale,
 ANTHONY **Λ** TRAY, his m^rke, & a seale,
 THOMAS **ρ** TRAY, his marke, & a seale,
 BENJAMIN **Z** TRAY, his marke, & a seale,
 JETHRO, **β** his m^rke & a seale,
 JOSEPH AMNION, **Jo** his m^rk & a seale.
 PETER EPHRAIM, **be** his m^rke, & a seale,
 ANDREW PITTIME, **An** his m^rk, & a seale,
 NEHENMIAH, his marke, & a seale,
 ZECKARY **∩** ABRAHAM, his m^rke, & a seale,
 SAMUEL NOANCIT, **M** his m^rke, & a seale,
 THOMAS WABAN, **~** his m^rk, & a seale,
 GEORGE MOONISCO, **G** his m^rk, & a seale,
 ELAZER **P** PEGIN, his marke, & a seale,
 SYMON **~~~~** SOSAMIT, his m^rke, & a seale,
 GREAT JACOB **^** JACOB, his m^rke, & a seale,
 Sigum ELISHA MILION, **O**, aljas
 MENUNION, his m^rk, & a seale,

O

All the subscribers, personally appearing, acknowledged this instrument to be their act & deed, before me,

DANIEL GOOKIN, Scñ, Assistant.

1682.

27 May.

This deed, on these 4 sides of y^e booke, thus signed, subscribed, & sealed, stands here this recorded, being compared wth the originall.

As attests EDWARD RAUSON, Secret^y.

*To all Christian people to whom this present deed of sale shall come, [*363.]
greeting.

Know yee, that wee, Blacke James, aljas Walamachin, Benjamin, James, Symon Wolomp, Sasequasuck, Pompectum, Wolwononck, Papomsham, Pepagous, John Awagwon, Sosoqnaw, Aquetaquash, James Wiser, James Acojocks, Walumpun, Papcunquanaut, Waumshk, Indian natives and naturall descendants of the auncient proprietors and inhabitants of the Nipmug country, (commonly so called,) and lands adjacent, within the colony of the Massachusetts, in New England, for and in consideration of y^e sume of twenty pounds in currant money of New England, to us in hand, at and before the ensealing and deliery of these presents, well and truely paid by Willjam Stoughton, of the toune of Dorchester, Esq^r, and Joseph Dudley, of the toune of Roxbury, Esq^r, both within the said colony of the Massachusetts, the receipt of which valuable sume wee doe heereby acknowledge, and ourselves therewith fully satisfied, contented, and paid; and thereof, and of every parte & parcell thereof, wee, and euery of us, respectively, doe exonerate, acquit, and dischargd the said Willjam Stoughton and Joseph Dudley, and either of them, their, each and euery of their heires, execcutors, administrators, & assignes for euer, by these presents, haue given, granted, bargained, sold, aljened, assigned, enfeoffed, conveyed, and confirmed, and by these presents doe freely, fully, and absolutely give, grant, bargaine, sell, aljene, assigne, enfeoffe, convey, assure, and confirme vnto the said Willjam Stoughton and Joseph Dudley, their heires & assignes for euer, all that part of the said Nipmug country, or their tract of land scituate, lying, & being on the south part of the said colony of the Mattachusetts, beyond the great riuer called Kuttutuk, Nipmug, or Providence, bounded with the Mattachusetts patent line, as the same is now stated, on the south, and certeine marked trees, beginning at said riuer and runing south east, till it strike vpon the bounds *the* of said patent line; on the north, the said great riuer; on the east, and coming to a point on the west, all the lands lying within the said limitts or bounds, be the contents thereof more or less, *together with all and singular

[*364.]

1682.

27 May.

the rights, members, jurisdictions, wayes, riuers, waters, watercourses, springs, ponds, pooles, pasturage, herbage, feedings, comōns, comodities, hæreditaments, & appurtenances whatsoever in or vpon the sajd tract of land, or any part or parcell thereof or therevnto in anywise belonging or apperteyning, wth all woods, vnderwoods, timber, & trees whatsoever now standing, growing, lying, or being, or which hereafter shall stand, grow, ly, or be vpon the sajd bargained premisses, or any part or parcell thereof; and all fishings, fowlings, huntings, hereditaments, profitts, and priuiledges whatsoever thereto belonging, or with the same now or at any time hereafter to be had and occupied and enjoyed; and all the estate, right, title, interest, vse, propriety, possession, clajme, and demand whatsoever of us, the sajd Blacke James, alias Walamachin, Benjamin, James, Symon Wallomp, Jasocomp, Sasequasacuck, Pomponchum, Wolowononk, Papomsham, Pepegous, John Awagwen, Sosoquaw, Aquetaquash, James Wiser, James Acojock, Wolampan, Papevnquant, and Waumsk, and of euery of us, of, in, or to the sajd tract of land, or any part or parcel thereof, and priuiledges and appurtenances therewith granted, to haue & to hold the aboue granted tract of land, being part of the Nipmug country, (comōnly so called,) as aboue l^{imited} and bounded, be the contents thereof more or less, and all other the aboue granted premisses & appurtenanees, vnto them, the sajd Willjam Stoughton and Joseph Dudley, their heires and assignes, and to their only proper vse, benefit, and behoofe from henceforth foreuer; and wee, the sajd Black James, alias Wolamackin, Benjamin, James, Symon Wolomp, Jascomp, Sasequesacuncke, Pompenchum, Wolowononk, Papomsham, Pepegous, John Awaguon, Sosoquaw, Aquetaquash, James Wiser, James Acojock, Wolumpan, Papevnquant, and Waumsk, Indian natives, present possessors & inhabitants of the sajd Nipmug country, and naturall descendants of the auntient proprieto's and inhabitants thereof, doe, for ourselues, our heires, executors, and administrators, couenant, promise, and grant to and with the sajd Willjam Stoughton and

[*365.] *Joseph Dudley, their heires and assignes, in manner following, viz^t: that, at the time of this bargaine and sale, and vntill the ensealing and deliuey of these presents, wee are the true, sole, and lawfull owners, proprietors, and possessors of the aboue bargained lands, premisses, and appurtenances, and stand lawfully seized of and in the same, in our oune proper right of a good estate of inheritaunce, in ffee simple, w^{thout} any manner of condition, reuer-tion, or l^{imitation} of vse or vses whatsoever; and that wee haue, in ourselues, full power, good right, & lawfull authority to grant, bargaine, sell, convey, and asure the aboue bargained premisses, and euery of them, vnto the Willjam Stoughton and Joseph Dudley, their heires and assignes, in manner

1682.

27 May.

as is afore expressed, free and cleare, and freely acquitted and discharged of and from all former and other bargains, sales, mortgages, judgments, executions, titles, troubles, charges, aljenations, and incumbrances whatsoever; and the sajd premisses, and euery of them, the whole tract of land conteyned within the lymitts and bounds aboue expressed, both vpland, meadows, swamps, and wood grounds, with the libertjes, priuiledges, and appurtenances thereof, vnto the sajd Willjam Stoughton and Joseph Dudley, their heires & assignes, against ourselues, & euery of us respectively, each & euery of our respective heires, execcuto^rs, admīstrato^rs, & assignes, all & euery other person and persons whomsoever clajming any right, title, or interest therein, wee will warrant, maintejne, and foreuer defend, by these presents, reserving alwayes vnto ourselues, our heires & assignes, out of the abouesajd grant, a certejne tract of land of fīue miles square, in such places, or contents of fīue miles square, in such two places as wee shall choose, to be wholly at our oune vse and dispose; and further, wee doe covenant and promise, at any time or times hereafter, vpon demand of the sajd Willjam Stoughton and Joseph Dudley, their heires or assignes, to give and passe vnto them more full and ample conuayance and assurance of the aboue granted premisses, and to doe any other act or acts, thing or things, deuice or deuices in the law whatsoever, for the better confirming and more sure making the same vnto them, according to the true intent and meaning of these presents. *In witness whereof,

[*366.]

Signed, sealed, & deliuid

in the presence of vs,

Willjam Parke,

Isaac Newell,

Jn^o Gore,

Sañ Rugles, Señ,

Samuel Rugles, Juñ,

Peter ^{his m^k} Gardiner,

Ralph Brodhurnst,

BLACK *2* JAMES, & seale,SEAN *e* JACO, & seale,BENJAMIN, *B* & seale,

SYMON LO WOLOMP, & seale,

WOLOWO *W* NONCK, & seale,POPOM *P* SHANT, & seale,

PE PEG PEGOUS, & seale,

COTOOSONK COT, son of, & seale,











WELOMPAW, by his order,

WABEQUALA Wab his m^ke, & seale,

SIBEQUAT, S his mark, & seale,

1682.

27 May.

ACADAQUAMI, **Ma** his mark, & seale,
 JAMES, **Jams** & seale,
 PAPEVNQUENANT, 
 JOHN AWAGA,  & seale,
 JAMES WJSER,  & seale,
 SAM **M** SEEG, & seale,
 SASA  QUESASUCK, & seale,
 COOK  ROBIN, & seale,
 PAMPOSIT, **Poe** his m^r, & seale,
 NAONTOCK  JASOOMP, J^R, & seale,
 NANATOHO,  his m^k, & seale,
 APENOW, **As** his mark, & seale,
 PETER **PET** PAUATAW, & seale,
 JOHN HOWNAHETEAMEN, & seale,
 MATAUNP WET, & seale,
 MAT  WAISK, & seale,
 JOHN **JO** ALATAQUISH, & seale,
 WAWNUNET **Wa** his mark, 
 JAMES ACOJOCK,  & seale.

The six & twenty persons subscribing, (excepting James Wiser, Cook Robin, Nanatoho, and John Hownabeteamin,) personally appearing, this 20 Aprill, 1682, acknowledged the aboue mentioned deed of sale to be their voluntary act & deed.

Before us, HUMPHRY DAVY,  Assist^{ts}.
 SAMUEL NOWELL, 

Wee, Sewossasco, Wabequalan, Sebaqueat, Madequaim, Cooke Robin, Pamphosit, Naontock, Nanatoho, Aspenaw, Peter Pacataw, John Hownabeteaumen, Mattaomp, Mat Wajsk, Tobj Alataquish, and Wawunhit, auntient inhabitants of the Nipmug country, and partners, wth the grantees, in the lands aboue conveyed and sold, being absent at the time of the abouesajd treaty and bargain, and therefore not inserted in the deed, doe, neuertheless, fully consent thereto, and hauing recived our seuerall proportions of the price therein specified, to signify our consent to the same, and release of all our right, title, clajme, and interest in & vnto the lands therein granted, & euery part & parcel thereof, doe herevnto set our hands & seales, in the presenc of the wittnesses aboue named. Consented vnto also by James Printer, alj Wawaus.

JAMES PRINTER, alias WAWAUS, & a seale.

1682.

27 May.

[*367.]

[*368.]

*To all Christian people to whom these presents shall come, Willjam Stoughton, Esq̃, of Dorchester, and Joseph Dudley, Esq̃, of Roxbury, in the county of Suffolke, wthin the Massachusetts colony of New England, send greeting. Whereas the said Willjam Stoughton & Joseph Dudley lately purchased of Waban and company, Indian natives, & naturall descendants of the anntient proprietors and inhabitants of the Nipmug country (comōnly so called) and lands adjacent, within the said Massachusetts colony, all that part of the said Nipmug country, or their tract of land scittuat and lying beyond the great riuer Kuttutuk, or Nipmug Riuer, and betweene a range of marked trees, begiñing at the said riuer, and runing south east, till it fall vpon the south lñe of the sd Massachusetts colony, on the south, and a certeine imaginary lñe, fowr miles, on the north side of y^e road, as it now lyeth, to Springfeild, on the north; the said great riuer of Kuttutuk, or Nipmug, on the east, and the said patent lñe on the westward; all the lands lying wthin the said limitts, or bounds, be the contents thereof more or less; and also purchased of Black James, aljas Walamachin, and company, Indian natives, and naturall descendants of the anntient proprietors and inhabitants, likewise of the said Nipmug country, all that part of the said country, or their tract of land scituate, lying, and being on the south part of the said Massachusetts colony, beyond the great riuer, called Kuttutuk, Nipmug, or Providence, bounded wth the Massachusetts patent lñe, as the same is now stated, on the south, and certejne marked trees, begiñing at sd riuer, and runing south east vtill it strike vpon the said patent lñe on the north, the said great riuer on the east, and coming to a point on the west; all the lands lying within the said limitts or bounds, be the contents thereof more or lesse, reserving only out of the said last purchase vnto the said Indians, their heires and assignes, for-euer, a tract of land of five miles *square, in such place *in such place*, or contents of five miles square in such two places as they should choose, with all and singular the rights, members, jurisdiction, wayes, riuers, waters, springs, ponds, pooles, fishing, fowling, hunting, pasturage, herbage, feedings, comōns, commoditjes, proffitts, hæredittaments, and appurtenances to the said tracts of land, and either of them, belonging or apperteyning; and all woods, vnderwoods, timber, and trees whatsoever, now standing, growing, lying, or being, or which hereafter shall stand, grow, lye, or be, vpon the said premisses, or any of them, according to two seuerall deeds of sale vnder the hands & seales of the said Indeans respectively, bearing date the tenth day of February, 1681. Now, know yee, that wee, the said Willjam Stoughton and Joseph Dudley, for and in consideration of the sume of fifty pounds current money of New England, (the price by vs given for the purchase of the aboue mentioned

1682.

27 May.

tracts of land,) to vs well & truely repajd, by order of the Goũno^r and Company of the sd Massachusetts Bay, in New England, haue granted, bargained, sold, alined, assigned, enfeoffed, and confirmed, and by these presents doe fully and absolutely grant, bargaine, sell, aljene, assigne, enfeoffe, and convey, confirme, vnto Symon Bradstreet, Esq^r, Goũno^r & Company of the Massachusetts Bay, aforesajd, both the aboue mentioned tracts of land, scittuate & lying in the Nipmug country, bounded as aboue sajd, wth all and singular the rights, members, jurisdictions, riuers, waters, ponds, pooles, fishings, huntings, coũmons, comoditjes, hæredittaments, and appurtenances thereto belonging; and all woods, vnderwoods, timber, & trees whatsoeuer, standing, lying, or growing, or to stand, lye, or grow thereon; and all their estate, right, title, clajme, & interest therein, in as full and ample manner & sort as was granted vnto them by the respective companyes of Indians aboue named, reserving to the sajd Indians, as aboue is reserved, to haue and to hold both the sajd tracts and parcells of lands conteyned wthin the bounds & lymitts aboue expressed, only wth the reservation aforesaid; and all other the premisses, rights, libertjes, and priuiledges therewith granted vnto the sajd Symon Bradstreet, Esq^r, Goũno^r,

[*369.] his successo^rs in that place, and Company of the Massachusetts *Bay, aforesajd, and their assignes for euer, to the only proper and absolute vse, bennefit, & behooffe of the Gouverno^r & Company of sajd Massachusetts Bay, and their assignes from henceforth foreuer; and the sajd Willjam Stoughton and Joseph Dudley, for themselues, their heires, execcuto^rs, and administrato^rs, doe heereby couenant and promise, to and with the sajd Symon Bradstreet, Gouverno^r, his successors and Company aforesajd, and their assignes, that by virtue of the purchase made by them of the sajd seuerall tracts of land from the Indian natives, descendants of the anntient inhabitants, and proprietors thereof, confirmed by full and compleat deeds and conveyances, vnder the hands and seales approoved of by the Gennerall Court of the sajd Massachusetts, at their sessions, 15th February, 1681, they, the sajd Willjam Stoughton and Joseph Dudley, stand lawfully seized of the aboue granted premisses, and are vested with a full & legall title therevnto in their oune proper right, being lawfully impowered to grant, convey, & assure the same, as aboue sajd; and the sajd bargained premisses vnto the sajd Goũno^r, his successors and company, aforesajd, and their assignes; they will by these presents warrant and defend against themselues, their heires, execcutors, administrators, and other person & persons whomsoeuer clayning, from, by, or vnder them, excepting alwayes, and with the allowance & grant of the Gennerall Court, reserving to each of themselues, their heires, &c^a, a farme of one thousand acres of land a peece in any part of the sajd tracts of land now

purchased, where they shall see meete. In wittness whereof, the said William Stoughton, Esq^r, and Joseph Dudley, Esq^r, haue herevnto sett their hands and seales this eighteenth day of May, anno Domⁿⁱ one thousand sixe hundred eighty and two, annoq^{ue} R. R^{egis} Carolj Secundj Angljæ, &c^æ, xxxiiij.

1682.

27 May.

W^m STOUGHTON, & a seale.

JOSEPH DUDLEY, & a seale.

Signed, sealed, & deliuered

in the presence of vs,

Th^o Hinckley,

John Richards,

Daniel Gookin, Señ,

Samuel Nowell,

Is^a Addington.

This deed stands thus entred & recorded word for word, compared wth the originall in the Geñrll Court booke of records, by their order, 24th May, 1682.

As attests

EDWARD RAWSON, Secre^t.

*God hauing incljned mercifully the hearts ^ our worthy messengers to [*370.] vndertake a voyage for England, vpon the account of the publicq^{ue} concerns of the country, this Court, considering how plaine the direction of the word of God is for the recomending such weighty affaires, by solempne humilliation & prayer to the God of heauen, —

Doe therefore order or appoint the twenty second of June instant to be 22 June a fast, & was p^rted. obserued & kept as a day of solempne fasting and prayer to God, that he would be pleased to p^rserve and prosper our freinds in this their weighty vndertaking vpon our account, the consequents of which both wee and our posterity are like to be so much concerned in; and that it would please the Lord to give us a spirit of repentance & returning vnto God, that he may diuert those euills or judgments, which, through our sinns, the Lord hath justly brought vpon us in part, and much more is still apparently impending. For these ends this Court doe recomend it to the elders and ministers throughout this colony to prepare themselues for it, and doe require all people to take due notice of it, forbearing all servile labour, and to attend the worship of God vpon y^e day.

1682.

**At a Gennerall Court, held at Boston, 11th October, 1682.*

11 October.

[*371.]

PRESENT, Symon Bradstreet, Esq^r, Go^v,
 Thō Danforth, Esq^r, Dep^t Go^v,
 Daniel Gookin,
 Daniel Dennison,
 John Pynchon,
 W^m Stoughton,
 Peter Bulkley,
 Nathā Saltonstall,
 Humphrey Davy, } Esq^{rs}.
 Samuel Nowell,
 Jⁿ^o Hull,
 James Russell,
 Barthō Gidney,
 Samuel Apleton,
 Robert Pike,

No credit to be
 given to marri-
 ners w^{thout}
 consent of y^e
 master or co-
 mānder.

FOR the prevention of great trouble and inconvenience that often befall masters & comānders of ships and other vessells, by reason of their men runing themselues into debt to seuerall persons in the ports where they arive, and not being able to dischargd their sajd debts, are restreyned or imprisoned for the same, to the great hinderance and prejudice of the comānders and onours of such ship or vessell, it is therefore ordered and enacted, that after the publication heereof, no person whatsoever doe trust or give credit to any marriner or seaman belonging to any ship or other vessell arriving from forreigne parts, without the knowledge and consent of their master or comānder, nor shall any process or attachment be granted against any seaman or marriner for debts and engagements made as aforesajd; and if through any carelesness or mistake in any officer, any such process or attachment be granted, it shallbe esteemed voyd in law.

No attachm^{ts}
 to be gr^{ed} ag^{ts}
 ships or m^{ts}
 from foreigne
 parts, nor to a
 strainger ag^t a
 strainger^s before
 caution.

As an addition to the law, title Attachments, it is ordered by this Court & the authority thereof, that after the publication hereof, no strainger shall haue any process or attachment granted against a strainger, before the plaintiff give in sufficient caution or security to respond all costs & damages that shall be judged against him; nor shall any ship or other vessell arriving from forreign parts, or the master or comānder thereof, be arrested or restrayned w^{thout} like sufficient caution or security given by the plaintiff to respond all costs & damages, as aforesajd.

Whether the constable of a toune, to which any peculiar is annexed for the payment of publick charges, may act as a constable in such peculiars as he may in said toune. The Court resolves this question in the affirmative.

Whereas there are in sundry of our touns, & especially in Boston, many idle persons in families, as well as other single persons, who are greatly, if not altogether, negligent in their particullar *callings, and some that doe not follow any lawful imployment for a liuelyhood, but mispend their time and that litle which they earne to the impouerishing, if not vtter vndoing, of themselves and families, for prevention whereof, it is ordered by this Court and the authority thereof, that the tythingmen in each toune shall inspect all such families and persons, and speedily returne their names to the selectmen of the toune where they dwell, who shall forthwith returne to the next magistrate, & (if in Boston) to any of the magistrates or comissioners there, who are heereby impowred to issue out warrants to the constable of the respective tounes to require such person or family to worke in or about any imployment they are capable of in the toune or place where they resyde, and if they refuse to be regulated, as aforesajd, then to be sent by said authority to the house of correction, and there receive according to the orders of that house, and kept to worke; and that such persons and families may be provided for, it is ordered, that all their cleare earnings shall (by said selectmen or their order) be lajd out in necessaries suitable for them or their families vse and releife, and that their wages shall from time to tyme be stated by said selectmen; and if any person or persons shall thinke themselves wronged thereby, they may complaine to the County Court for releife.

The Court, on the 24th day of May last, taking into consideration the frequent exportation of our New England coine out of the countrey, whereby comerce and trade is very much obstructed, as an expedient to keepe money in the countrey, did order, that all peices of eight, as pillar Sevil and Mexico coyn, that are good siluer, should pass amongst us as currant money of New England, according to their weight in the present New England coyn. As an explanation of that law, it is to be vnderstood, and it is heereby declared, that those peices of eight in the law mentioned shallbe paid and received at sixe shillings eight pence p ounce troy weight, and all smaller peeces of the like coyn that are good siluer shall passe at the same price & weight.

*This Court, being informed by the Right Honno^r^{ble} the Earle of Frontenac, governo^r of Canada, and Mounseier De la Valier, governo^r of Accadie, that severall of the inhabitants of this colony haue comitted irregularities in their trading, making of fish, and fetchng of coales within the territories belonging to the French, contrary to the treaty and ratification of the articles

1682.

11 October.
Resolution of
y^e quest. ab^t
constables
power, &c.

[*372.]

Law for regu-
lating idle per-
sons.

At w^t rate
peices of eight
to passe.

[*373.]

Courts declara-
tion ag^t inhab-
itants trading
in y^e precincts
of Canada &
Accadie wthout
licenc.

1682.

11 October.

of peace concluded at Breda, betweene the crownes of England and France, for the prevention of the like practice for the future, and the preservation of a good correspondence betweene our neighbours of Canada and Accadie, above mentioned, and ourselues, it is hereby declared, that this Court doth not allow and approove of any such irregularities, and that all persons so offending are liable to the penalties and forfeitures provided against them by the lawes of those governments where such offences shall be committed.

Swyne to be
ringed on pen-
alty, &c.

As an addition to former lawes about swyne, it is ordered by this Court and the authority thereof, that all swyne going at liberty shall be constantly ringed, sufficiently to prevent their rootings, upon the penalty of sixe pence on every swine, in money, to be paid as a fine, the one halfe to the vse of the toun where such swyne doe roote, the other half to the informer, to be levied by warrant from the selectmen, besides all damages don in commons or proprietjes, fenced or not fenced, any law, vsuage, or custome to the contrary notwithstanding.

Goods dam-
aged to be sur-
veyed, &c.

In case of damage of goods on board of any ship or other vessell arriving here, where there is any need of surveying, as is usually practiced, it is hereby ordered and enacted, that there shall be suitable persons appointed in the seuerall sea port townes of this jurisdiction as surveyors, who shall be sworn to the faithfull discharge of that trust, & be called as often as there is occasion to view such goods as are damaged before they be vntowed, or any two of them, who are to make a returne vnder their hands to the persons concerned, if they desire it, who are to be satisfied by the master of the said ship or vessell that employes them; and the persons appointed to performe this trust in the seuerall townes are, for Boston, Mr Christopher Clarke, Mr John Faireweather, Mr Timothy Prout, Sen; for Charls Toun, Capt John Long, Mr John Trumble, Mr Eljas Row; for Salem, Mr John Broune, Mr John Hardy, Senior, Capt Richard Moore; for Marble Head, Capt Samuel Ward, Ambrose Gale, Richard Reith; & for Newbrey . . .

[*374.]

And the persons to be appointed for this service *be chosen from time to time, yearly, by the inhabitants of such townes as aforesaid, who haue liberty to make choise of other officers.

Lands or
grants to be
surveyed only
by surveyors
on oath.

This Court doth order, that no countrey grants of land shall henceforth be laid out but by some knowne, able, and approoved person, whom this Court shall appoint, who shall be upon oath to act faithfully in that worke, and make returne vnder their hands of all such land laid out by them, with the quantity, in a faire draught or plat, together with the quality, as neare as they can, in pursuance of this order.

This Court appoints & allows of Capt Elisha Hutchinson, Mr Jonathan

Danforth, M^r John Flint, M^r Samuel Andrews, M^r David Fiske, M^r Willjam Carr, M^r Joseph Hauley, and M^r Samuel Marshfeild to be surveyo^rs, any one of them to lay out such countrey lands as any person haue had, or shall haue grants from this Court; and the sajd persons shall take this following oath at some County Court, before they act in surveying any such lands: —

1682.

11 October.

Yow sweare by the great name of the euerljving God, that yow will faithfully and impartially, according to yo^r best skill, survey and measure such grants of land that are made by the Gennerall Court to any person or persons within this jurisdiction, and present a faire draught and plat of such lands to this Court therewith, certifying the quality, as *as* neere as yow can vnderstand it, as well as the quantity of sajd lands, all which yow shall make returne of to this Court vnder yo^r hands. So helpe yow God.

Surveyors
oath.

Whereas it often falls out that men make bargaines and sales of land, and some time receive part or all the pay for the same before the deeds of sale are perfected according to law, the grantee confiding in the fidelity of the person that sells, and after that the grantor djes,—

It is hereby ordered and enacted, that it shall be lawfull and in the power of the County Court where the land ljes (the bargain being legally proved to the satisfaction of the Court) to impower the next heire, or executor, or administrator to the estate to draw or signe deeds of sale for the same.

County Courts
power to im-
power heirs,
executors, ad-
mins^{tr} to make
deed of sale.

It is ordered by this Court and the authority thereof, that all informers of the breach of law by vnlicensed person or persons whatsoever to any Court, making prooffe thereof, shall henceforth haue one cleare third part of the fine imposed and received for such breach.

Inform^rs of
breach of law
by vnlicens^d
P^{er}sons to haue
a 3^d p^{ar}t of y^e
fine, &c.

*Whereas it is informed that seuerall constables haue not made vp their accompts with the Treasurer, and that there is much of the last yeares rate yet vnpaid, this Court doth order, that what is so vnpaid be paid in according to the valuation of all sorts of corne made this present Court.

[*375.]

Itt appearing a greivance among us that sundry gentlemen, merchants and others, hauing great tracts of land bounded out to them in propriety, pay not to publicke charges, although they haue a considerable profit to themselues by the continuall rise of the estimate of sajd lands, for the easing whereof, it is ordered by this Court, that all lands circumstanced as is aboue premissed shall, in the levy now to be made by this present Court, for payment of the countrey debts, pay vnto the Tresurer of the country two shillings money for euery hundred acres, and in like proportion for lesser quantitijs. And it is

Addition to law
of rates as to
lands in y^e
woods, &c.

1682.

11 October.

ordered, that the selectmen of every toune and peculiar wthin this jurisdiction, some time in the month of November next, shall assess all lands within their toune bounds liable to be rated by this order, and also to assess all countrey rants of lands called farmes belonging to peculiar persons, that lye neerest vnto such toune or townes, and to draw vp faire lists of the said assessments, with the names of the persons, and quantijes of lands assessed, and deliuer the said lyst to the comissioners chosen to examine this yeares rates, who are required to meet at the shire toune the second Tuesday of December next, who are ordered carefully to examine the said lyst & assessments, and transmit the same with all speed to the Treasurer of the country, being perfected, & subscribed with their names. And the Treasurer is required to issue forth his warrants to the constables of the seuerall townes, to collect for such lands as lye in their bounds, and to the marshall gennerall or marshall of the county to collect for such lands as lye wthin any toune bounds, who shall collect the same, and returne it to the Tresurer, as the law directs.

And it is further ordered, that the said comissioners give in to the Treasurer the number of the troopers in their respective townes, and he to grant out warrants to the selectmen to assess, and the constables to collect, what may arise to be due to the countrey vpon the duplication of rates for this present yeare. And for the better effecting of this order about the rating of vnimproved lands, —

[*376.]

It is ordered by this Court, that the major gennerall, Captajn Fisher, *Cap^t Elisha Hutchinson, & Leut^t Jonathan Danforth, together wth the secretary, to be a comitte^e forthwith to examine the Court records, and returnes of all grants of farmes, and out lands laid out wthout the bounds of any towneships, who are ordered and desired to make a lyst of all out lands they can by any meanes gaine the knowlege of as to the quantity of the same, and to whom at present they doe belong, and where they doe lye, and to transmitt the same lists vnto the country Treasurer, that they may be added to and compared with the seuerall country lyst, that so no lands may be omitted or twice entred. Major John Pynchon & Leut^t John Smith, in Hampshire, are appointed to doe the like, and make like certifficat. And that the Treasurer forthwith send forth his warrants to the selectmen of each toune accordingly.

Prizes of all
sorts of corn to
be p^d in y^e
country rate.

The Court, vpon y^e vejw of the calculation of y^e ballance of the country acco^t, p^sented by the Treasurer, & what may be needfull for our agents, do, and hereby it is ordered by this Court & authority thereof, that there shall be three single country rate paid this yeare, viz^t, two rates in country pay, & one in money, and all sorts of corne payd in the country rates to be as followeth: wheate at five shillings six pence, rye at fower shillings, Indian at three

shillings, pease at fower shillings sixe pence, barley & barley mault at three shillings sixe pence, oates at two shillings p bushell, all good and merchantable, well winnowed corne, and that all barley be brought in before the first of Aprill; & all other things paid in the countrey rate to be paid at money price provided no leane cattle or horses be paid in said rates.

1682.

11 October.

The Court order a day of thanksgiving to be kept throughout y^e jurisdiction y^e 23 November next, for the blessings of the yeare, peace, &c, our agents or messengers preservation, &c; w^{ch} was sent to y^e press & printed, & kept accordingly.

23 Nove. a day of thanksgiv^g.

It is ordered, that the Tresurer make payment vnto M^r Joseph Dudley & M^r John Richards, or to their order, fifty pounds a peece money, and is in part satisfaction for their present service for y^e publick.

M^r Dudley & M^r Richards recompence, &c.

In ans^r to the petiçon of Isaack Waldron, the Court grants the petiçoner a hearing of his case mentioned in his petiçon on the 1st Tuesday of the next Court of Election, at eight of the clocke in the morning, and that notice be given to all partjes concerned to attend their concerne therein at the time.

Ans^r to Isa^c Waldrons petiçon.

In ans^r to the petiçon of James Bayly, Thomas Baker, & Thomas Putnam, Juⁿ, the Court judgeth it meet to referr the due consideration of what is exprest in sd petiçon to the next Court at Salem, when all partjes may be heard, and justice may be don to all concerned.

Ans^r to James Bayly, Tho. Baker, &c, petiçion.

*In answer to the motion of the toun of Hingham, M^r Daniell Cushin is hereby empowred to marry such person as shall desire it, being legally published, & one of the partjes at least living in said toun of Hingham, and also that he haue power to admⁿister oathes in all civil & criminall cases.

[*377.]

M^r Dani Cushin impowred to marry, &c.

In ans^r to the petition of M^r Joseph Hills, bereaved of his sight for seuerall yeares, &c, the Court judgeth it meet to order, that the petitioner be freed from country & county rates during his life.

M^r Joseph Hills freed from country & county rates.

In ans^r to the petition of Cap^t Richard Lord, of Hartford, it is order^d, that the Tresurer of the country pay vnto y^e petiçoner the sume of eleven pounds fuetteen shillings & fower pence in or as money, provided that if the whole or any part of the some be chardged in the account of Jn^o Hull, Esq^r, that then the Tresurer charge the same, either whole or part, as aboue^sd, vnto the account of Jn^o Hull, Esq^r, as pt of what was ordered him for balance of his account wth the country.

Ans^r to Cap^t Lords petiçon, &c.

Whereas there is about 50 souldjers at Sherborne, and in probability they will encrease to a greater number in short time, and they hauing no higher officer then a serjant, it is therefore orderd by this Court & the authority thereof, that Serj^t Edward West be leisten^{nt} to the said company, & Jonathan Morse ensigne; & they are to choose two serjants, a drummer, & clark for

Edw^d West leif^t, Jnthan Morse ensig^r, to compa. at Sherborne. Sherborn to belong to Major Gookins regim^t.

1682. the said company, according as the law directs ; & that the said company doe belong to the regiment of Major Gookin, & y^e secretary is ordered to issue both comissions for them.

11 October.

M^r W^m Hubbards gratification for compiling a history.

Whereas it hath binn thought necessary, & a duty incumbent vpon vs, to take due notice of all occurrences @ passages of Gods providence towards the people of this jurisdiction since their first arrivall in these parts, which may remajne to posterity, and that the Reuerand M^r Willjam Hubbard hath taken paynes to compile a history of this nature, w^{ch} the Court doeth with thankfullnes acknowledge ; and, as a manifestaçon *thereof, doe hereby order the Treasurer to pay vnto him the some of fiuety pounds in money, he transcribing it fairely into a booke, that it may be the more easely perused, in order to the satisfaction of this Court.

[*378.]

Ans^r to M^r Hez. Vshers petition.

In answer to the petition of M^r Hezekiah Vsher, in behalf of himself & compā, it is ordered, that the Tresurer make vp what he hath already paid M^r Vsher, to be one hundred fifty two pounds three shillings & fower pence money, w^{ch} not being donn, as was then allowed, in October, 81, this Court doe now order, that what rest due of the said sume be paid to the petitioner, wth nine pounds for interest, and that it all be paid out of the first mony the Tresurer receives.

Ans^r to W^m Haukin petition as to Edw. Birchams p^t in Lynn.

In ans^r to the petition of W^m Hawkins, it appearing that Edward Bircham, late of Lynn, deceased, had a tract of land granted him by the toune of Lynn, to the quantity of thirty acres, which doth not appeare to be lajd out in any other part of the toune bounds, this Court doth order, that Cap^t Richard Walker, Cap^t Elisha Hutchinson, and M^r Andrew Mansfeild be requested, & are by this Court impowred, to make further inquiry into said matter, and to cause the tract of land mentioned in the petition to be measured by a surveyor of lands, & to make report thereof to the next Gennerall Court.

Ans^r to Colonnell W^m Crounes petition, 15th grd him as a recompence.

In answer to the petition of W^m Croune, Esq^r, presented to the Gou^{no}r & council, & now presented to the Generall Court, the Court hauing againe perused Colonel W^m Crowne his petition in all respects, and considering in the season mentioned his service to & for the country, together wth his condition, judge meet to order the Tresurer of the country to pay him, as a recompence for the same, fiueteene pounds money, defaulting the fiue pounds the council lent him, to be returned ; and for what he mentions as to Mendon, in relation to his mortgage, the Court declares that the law is open for him, the benefit whereof he may expect.

Ans^r to Roger Billings petition.

In ans^r to the petition of Elisha Menunion, W^m Ahauton, & Joseph Moumition, Indians, the Court judgeth it meet to allow of Willjam Menun-

nions sale vnto Roger Billings, so farr as the quantity of seven hundred acres of land next to our southerly līne, to be lajd out in a conveinent place & forme.

1682.

11 October.

*In ans^r to the petition of John Sears, the evidences & pleas in the case as they haue binn seuerally presented being considered, it doth appeare the said petitioner is a just creditor to the estate left by his late uife, for charges expended vpon John Elljot, and that the executors of said Hesther Sears did come to agreement wth said petiōner for the payment thereof, part whereof doth not appeare to be deliuered to him, & the bed w^{ch} he received, and was part of his pay agreed for, was, by judgment of Court, recouered by John How; and although said petiōner did weakely, in his oune wrong, deliuer said bed to said John How, and so could not by cōmon law be releived, yet it appeareth to be both equall and just, that by this superior Court said Sears should be releived. The premisses considered, this Court doth order, that the value of said bed & bedding which said How recouered by law, & received of said Sears, together with the value of his uiues cloathing, w^{ch} he contracted with the excecutor to haue, & did not receive, shall be made good to him; and for a full determination of this matter, it is referred to the County Court of Middlesex to heare the pleas and evidences of both partjes in said case, & to determine the same finally, provided alwayes the excecutor of said Hesther Sears shall not be līable to respond said issue further then the estate of said Hesther Sears shall be bound.

[*379.]

Ans^r to John Sears petiōn.

In ans^r to the petition of Hugh March, the Court being credibly informed that the petitioner hath binn, & still like to be, a great sufferer by being disappointed of keeping a house of publick enterテインement, he hauing binn encouraged thereto by the toune of Newbery, and others concerned, & therevpon lajd

Ans^r to Hugh March petiōn.

Vpon a motion made in behalfe of M^r John Woodbridge, of Newbery, this Court judgeth it meet to allow him the priuiledge that other teaching elders haue as to freedome from rates, so long as he shall be employed in constant preaching.

M^r Jⁿ Woodbridg his gratification.

In ans^r to the petiōn of Thomas Pearce & Henry Gernsey, the Court judgeth it meet to refer the consideration & determination of what is herein desired to the County Court for Suffolke.

Ans^r to Tho. Pearce & Henry Guernseys petiōn.

[*380.]

*In ans^r to the petiōn of Thomas Woolson, the Court doth not allow or approve of the return of land lajd out & mentioned in his petiōn, as judging by the platt presented much more land lajd out then is properly due.

Ans^r to Woolsons petiōn in the negative.

In ans^r to the petiōn of Major Robert Pike, formerly presented to this Court, October, 1681, & now againe presented to this Court, Octob^r, 82, it is

Ans^r to Major Robt Pikes petiōn., 20th allowed.

1682.

11 October.
Ans^r to Hingham
petition.

ordered, that the Tresurer of the country pay the said Major Robert Pike twenty pounds, & is for his expenc of time, &c, in the time of the warr.

In ans^r to the petition of seuerall inhabitants of Hingham, the Court, taking notice of the irregular & illegall proceedings of the military foot company of y^e said tounes as to the election of their comission officers, doe declare their dissatisfaction thereuith, and doe expect the acknowledgment of their error & offence therein, and for the present do direct & orders the comission officers of said company to mannage the affaires thereof to all intents, till this Court take further order.

Ans^r to Cambridge
petition, a hearing
granted on 1st
Tuesday aft^r y^e
election.

In ans^r to the petition of the inhabitants of Cambridge, the Court judgeth it meet to referr the consideration thereof to the next Gennerall Court of Election on the first Tuesday in May of sd Court, and that the secretary give notice to the parties concerned, the selectmen for Cambridge, & the petitioner then to appeare & attend their concerns therein.

Courts order
fo Salem to
mount y^er
great guns, &c.

The committee of militia for Salem, their returne being read in Court, the Court judg meet that the toun of Salem doe forthwith mount all the great artillery vpon good serviceable carriages, and to provide a competent number of common baskets, which may be sufficient, being filled, to secure those that shall be ordered to stand by said great gunns, if any occasion present to make use of them.

18 October.
Colledge accounts,
&c.

M^r John Manning & M^r Cooper presenting the colledg accounts to the committee appointed by the Gennerall Court to inquire into their accounts as stewards of the stocke contributed for the building of the colledge, vpon their examination thereof, approoved of them as faire & honest, only the value of tenn pounds, as they judge, in nages omitted to be valued, & recommended it to the Genall Court to consider them for their pagnes; as for the colledg debts, they cann say nothing about them, wthout further information, and was subscribed 18 Octob^r, 1682.

HUMPHRY DAVY,
ELISHA COOKE,
JN^o WAYTE,
SAMUEL NOWELL,
RICH^d SPRAGUE,
W^m JOHNSON.

Which returne, so signed, the Court approoved of.

Attests

EDW^d RAWSON, Secre^t.

M^r Sam. Apleton
maj^r of
south regi-

[*381.]
ment in Ips-
wich.

*Major Sam^l Apleton is appointed serjant major of the south regiment in Essex, and the former settlement by this Court is confirmed.

In the case depending between Cap^t Penn Tounsens, plaintiff, & Thomas Johnson, deffend^t, coming to this Court by peti^con of said Tounsens, the Court, on a full hearing of the case & all the evidences produced, doe finde for the defend^t, Johnson, costs of Court, 9^s, besides 5^d for hearing y^e case.

1682.

18 October.
Courts judgment in Tounsens case.

Att a Gennerall Court, held at Boston, 13th of y^e first moneth, 1638, Maschannomet, the saggamore of Aggawam, acknowledged that he had received twenty pounds of M^r John Winthrop, Juno^r, for all his lands in Ipswich, for which he acknowledged himselfe fully satisfied, as in y^e Courts booke of reccords at that time doth appeare, first booke, page 240.

1682-3.

15 February.

As attests


EDW: RAWSON, Secret.

At a Geñll Court, held at Boston, *Febr* on the 15th day of February, 1682, Cap^t Wayte Winthrop, sonn of John Winthrop, aboue mentioned, & one of his executo^s, presented the originall bill of sale to his late fater from said Maschonnamet his hand, (Nö, y^e Goñ & Mugis^s y^e in Court,) desiring it might be recorded, w^{ch} being granted by the Court, is as followeth : —

I, Masconnet, saggamore of Aggawam, doe, by these presents, acknowledge to haue received of M^r John Winthrop the sume of twenty pounds, in full satisfaction of all the right, property, and clajme I haue, or ought to haue, vnto all the land lying & being in the Bay of Aggawam, aljas Ipswich, being so called now by the English, as well as such land as I formerly reserued vnto my oune vse at Chibacko, as also all the land belonging vnto me in those parts, M^r Dummers farme excepted onely; and I hereby relinquish all the right and interest I haue vnto all the havens, riuers, creeks, islands, huntings, and fishings, wth all the woods, swamps, timber, and whatsoever else is or maybe in or vpon the said ground, to me belonging; and I doe hereby acknowledge to haue received full satisfaction from the said Jn^o Winthrop *for all former agreements touching the premisses or any part of them; and I doe heereby bind myself to make good the foresaid bargain and sale vnto the said John Winthrop, his heires and assignes, for euer, and to secure him against the title and clajme of all other Indians and natives whatsoever. Witness my hand, this 28th June, 1638.

[*382.]

Witnes herevnto.

MUSCONMET, his  marke.

John Joyliffe,
Thomas Coytmore,
James Douning,
Robert Harding.

1682-3.

15 February.

The deed aboue written, so signed & wittnessed, being compared wth the originall, word for word, stands here thus entred and recorded, at the request of sajd Captaine Wayte Winthrop, this 15th day of February, 1682.

As attests

EDWARD RAWSON, Secret.

[*383.]

7 February.

**At a speciall Gennerall Court, called by the hono^rable Gou^rno^r & Magistr^s order to sitt in Boston on the 7th of February next, and then satt, 1682-3.*

5 Jañy, 1682. PRESENT, Symon Bradstreet, Esq^r, Go^v,
 Thō Danforth, Esq^r, Dep^t G^v,
 Daniel Gookin, Esq^r,
 W^m Stoughton,
 Peter Bulkley,
 Sa^m Nowel,
 Jn^o Hull,
 James Russell,
 Bartholē Gidney,
 Sa^m Apleton,
 Robert Pike.

} Esq^s.

AT the opening of this Court, the honno^rble Gou^rno^r acquainted the Magis^{ts} & company mett, (seuerall magis^{ts} & deputjes from y^e southward not being able to come, by reason of y^e extremity of the weather by deepe snows & floods,) that he had received, by M^r Foy, a letter from his maj^{ty}, wth the act of his maj^{ties} most honn^l council, his maj^{ty} being present, which were read & comūicated to y^e whole Court, then mett, wth another letter from his maj^{ty}, kept by M^r Mason, ab^t a fortnight after October Court was vp, thō a copie of it, signed by M^r Chamberlajne, was made publick, &c; also, our agents two letters, wth copie of M^r Randolp^hs complaints to y^e comīssioners of the customes in England, wth a copie of M^r Bransons complaint to the lords of his maiestjes most honno^rble privy council, &c, w^{ch} are not only on file, but in the councils booke recorded, word for word.

After the comūication of the aboue mentioned, the Court judged it meet to keepe the 7th day of February as a solemn day to seeke the face of God and guidanc & direction from him in so weighty a matter, which was donn.

The Court mett on the 9th instant, February, & after a further pvsall & 1682-3.
 cōmunication, adjourned themselues till the 14th instant, &

9 February.

When the whole Court mett, & so, from day to day, were on the due consideration & debate of and about so momentuous a discharg of their duty to God, his maj^{ty}, and the concernes of the country, and, in fine, the Court centred their conclusion of duty in an humble address to his maj^{ty}, cōmission & letters to our agents, a letter to the Right Honno^{able} S^r Lyonel Jenkin, one of his maj^{ty}s principall secretarys of state, wth a gennerall adresse and gennerall subscriptions of the inhabitants directed by way of most humble petition to his maj^{ty}, all which, wth coppies of seuerall cases, as M^r Keep, M^r Brandsons, & seuerall others, were sent to our agents in & by M^r Thomas Joells, master of ship Richard, in a box, which addresses, cōmission, instructions to our agents, & letter are at large recorded, verbatim, in the acts of the council.

It is ordered, that there be a day of humilliation kept by this Court together on Tuesday next, being the 13th of this instant February, in the toune house, at eight of the clock in the morning, and that the Refiend M^r Mather & M^r Willard be desired to preach, & as many of the refiend elders neighboring be by their deputjes desired to be present, to implore diuine direction and assistance in the weighty matters now before the Court.

Day of humil-
 liation to be
 kept by y^e
 Court 13 Feb.,
 82.

*Whereas by the law, title Mines, it is provided that the fifth part of gold and siluer oare which is found in this colony shall be pajd to the kings majesty, his heires and *and* successors, and there being rumours of such mines found in this jurisdiction, it is therefore ordered by this Court and authority thereof, that some meet persons be appointed, from time to time, by this Court to make enquiry after such mines, and doe their vtmost endeavour that a fifth part of *of* the sajd oare be reserved for his majesty, and that they take care that his majesty may haue his just due for the same, both in quantity and quality; and it is further ordered, that if any person or persons shall make discouery of any royall mine or mines of gold or siluer, and shall improove sajd mine, or any part of it, to his oane vse and benefit before he hath given account and information to the officer that shallbe appointed as aforesajd, the person so transgressing shall forfeit the treble value thereof, and shallbe fyned ten pounds for one offence; and M^r Jeremiah Dumer is appointed to be the officer till this Court take further order.

[*384.]

Law to p^rvent
 all deceit by
 opening of
 mines, &c., that
 his maj^{ty} may
 haue his due,
 &c.

As an addition to the law, title Navall Office, it is ordered, that the port of Boston, to which Charls Toune is annexed, and the port of Salem, to which Marblehead, Beuerly, Gloucester, Ipsuich, Rouley, Newbery, and Salisbury are annexed as members, are and shallbe lawfull ports in this colony,

Addition to y^e
 lawe, title Na-
 vall Office.

1682-3.

9 February.

where all ships, & other vessells, shall lade or vnlade any of the plantations enumerated goods, or other goods from forreign parts, and nowhere elce, on pœnalty of the confiscation of such ship or vessell, with her goods, tackle, &c, as shall lade or vnlade elcewhere.

2. That no ship, or other vessell, arriving from forreign parts, shall breake bulke before entry with the Governo^r and navall officer, if they come into the port of Boston, and in all other ports not before entry with the navall officer, on pœnalty of confiscation of ship and goods; and when the masters of sajd ships or vessells are not inhabitants in this colony, then into whatsoever port they arive their entry shall be made with the Gofino^r and navall officer that belongs to the port where they trade.

3. That no ship, or other vessell, shall lade or vnlade any part of their cargoe in the night season that is not of the groweth of this countrey, vnless it being case of necessity, and then notice to be given to his maj^{ties} officer vpon the place, if any be there, on pœnalty of confiscation of sajd goods.

[*385.]

4. That no ship, or other vessell, shall take on board any of the enumerated plantation comodities, more then their ships store, before they haue given bond, or shew a certifficate that they haue already given bond, as the *act of Parljamēt requires, on pœnalty of confiscation of such ship and goods, vnless they be such as pass from port to port of our oune jurisdiction, who are then to haue a permit signed by the navall officer.

5. And for the information and *and* satisfaction of all persons concerned, it is heereby declared, that his majesties officer hath power to seize any ship or vessell he judges forfeited to his majesty, in order to hir triall, and that he hath liberty to search all vessells that are outward bound, and to put waytors on board all ships inward bound.

6. And that the time of entring and clearing at the navall office be betwixt the howers of ten and twelue in the forenoon, and two and fower in the afternoone.

Persons pœn-
alty to trade
wth ships on the
coast before
come into y^r
harbour.

7. That no vessell of twenty tunnes and vpward, except such as fetch wood, boards, stones, or lumber, shall pass the Castle without a lett pass from the Gouerno^r for the time being, if resident in Boston, and in his absenc from the Deputy Gouerno^r, on pœnalty of twenty pounds.

As an addition vnto and explanation of the law, title Shipping, page 141, it is ordered by this Court and the authority thereof, that no person shall trade wth any ship or vessel ariving on our coast vntil they are brought to anchor in one of the ports assigned and appointed in the law, title An Addition to the Lawes, title Navall Office, on pœnalty and forfeiture prouided in the sajd law, title Shipping.

It is ordered by this Court and the authority thereof, that the law made 1682-3.
 October the 15th, 1673, intituled as an Addition to the Law, title Freemen,
 section the third, is hereby repealed.

This Court, being informed that there are seuerall comission officers in
 this jurisdiction that haue not their comissions according to law, —

It is therefore ordered by this Court, that each clarke belonging to the
 seuerall millitary companyes in this colony shall, wthin one moneth after the
 publication heereof, repaire to the secretary, and take out such comissions as
 shall be wanting, and them to deliuer to each comission officer belonging to
 their oune company as they shall be directed, and so from time [^] wthin one
 moneth after any comission officer is chosen and appointed by this Court; and
 if any clerke shall neglect his duty heerein, he shall forfeit the sume of twenty
 shillings to the vse of the company.

It is ordered, that there be a day of humilliation kept by the Court 13 instant Feb^r
 together on Tuesday next, 13th instant, in the tounce house, at eight of the
 clock in y^e morning; that the Reuerend M^r Mather & M^r Willard preach, & a day of humil-
liation kept by
y^e whole Court.
 the reſund elders of the churches are desired to be present, to implore diuine
 direction & assistance in the weighty matters now before the Court.

*To the Kings most excellent Majesty.

Most gracious & dread Soueraigne: —

Wee, your majesties loyall & obedient subjects, the Governo^r & Company
 of yo^r majesties corporation of the Massachusets Bay in New England, doe
 account ourselues vnder the greatest obligations to render our most humble &
 hearty thanks, first, to Almighty God, for the preservation of your majestys
 person & government, to the vnspeakable joy & comfort of all your good sub-
 jects in your three kingdomes, and also in these your majtjes forreigne planta-
 tions, notwithstanding so many horrid treasons and execrable conspiracjes
 against the same, and, nextly, vnto your excellent maj^{ty}, for the many marks
 of princely favour you haue beene graciously pleased to confer vpon this your
 gouernment, and particularly in the seuerall assurances of your royall inten-
 tions to continue the same, and gracious inclinations to advance the weale &
 prosperity thereof, & more especially since the arrivall of our agents, who are
 now attending your maj^{ty}, in your gracious condiscention to assigne vs a further
 day, and giving vs the oppertunity to testify our obedience to yo^r maj^{ties}
 comānds, which, now being assembled in Gennerall Court for that very end,
 wee hope to give your maj^{ty} a demonstration of; and wee will, in all humillitje,
 doe beseech your maj^{ty} to beleive that, aboue all earthly things whatsoever,
 wee desire still to enjoy and deserve your gracious aspect towards, and good

1683.

30 March.

[*386.]

Courts address
to his majesty.

1683.

30 March.

[*387.]

opinion of this your colony ; and that it is a greife vnto vs beyond expression, that by any proceedings of ours, or delays in expediting those things which might be for your maj^{ties} service, wee haue binn so offensive to yo^r maj^{ty}, what now hath binn more particularly donn by us referring to the acts of trade & navigation, and in other things, wherein wee haue had the signification of your rojall pleasure, wee humbly pray that yo^r maj^{ty} will be pleased to be informed thereof by our agents. And wee most humbly present this our sincere profession, that as wee are abundantly satisfied in your majesties great goodness, that yow will still ouerlooke, and not improve any of our past erro^s and mistakes, to the vacating of our charter or depriving vs of any of the priuiledges and imunitjes thereby granted to us, so wee desire not to assume vnto ourselues any thing aboue the powers therein granted ; but hauing in many *things already yeilded willing obedience, wee are further ready to make and receive all such regulations as may more fully adapt the admi^{str}ations of your maj^{ties} gouern^{mt} here vnto the rules of our charter ; in order wherevnto wee haue capacitated our agents humbly to attend your majesty by impowring them, according to yo^r majesties command, ffor whom wee most humbly beg your majesties fauour, crauing that both their and our sincere desires & endeavours to give yo^r majestie satisfaction may haue a gracious acceptance, to the advancement of yo^r majesties hono^r, and euidence of yo^r princely clemency towards vs, and the lasting weale & prosperity of yo^r maj^{ty} most loyall & obedient subjects.

By y^e Go^uno^r, & y^e seale,

30 March, 1683.

Signed,

& by EDWARD RAWSON, Sec^{ry}.

In the name & by order of the Ge^uill Court.

Agents com-
mission, y^e seale
affixed, Symon
Bradstreet,
Gou.

The Governo^r & Company of the Massachusetts Bay in New England.

To all to whom these p^{re}sents shall come greeting. Whereas wee haue received his majesties gracious com^{ma}nds fully to authorize & impower some meete persons to attend vpon his majesty for the regulation of this his maj^{ties} gouernment, now know yee, that wee, the aforesajd Go^uno^r & Company, doe by these presents authorise & impower our trusty and well beloved freinds, Joseph Dudley & John Richards, Esq^{rs}, joyntly, and not seuerally, to attend vpon his majesty for the end aforesajd, giving vnto them full power & authority accordingly on our behalfe for the regulation of anything wherein wee haue ignorantly or thorough mistake deviated from our charter ; to accept of and consent vnto such proposalls & demands as may consist wth the majne ends of our predecesso^s in their remouall hither our charter, and his maj^{ties} govern-

ment here settled according therevnto. And what they shall lawfully act and doe according to the power hereby comitted to them, wee doe by these presents, for vs and our successo^rs, rattefy & confirme. In testimony whereof, wee haue caused our comon seale to be affixed this 30th of March, 1683, and in the xxxvth yeare of his maj^{ty} reigne.

1683.
30 March.

Signed, by the Court, EDWARD RAWSON, Secre^t.

*It is ordered by this Court, that the gennerall petition and addresse of the inhabitants of this colony to his sacred maj^{ty}, with all the subscriptions therevnto, be sent to our agents now in London, to be presented by them to his maj^{ty}, if they think it expedient, and that this matter be intimated vnto our agents in this Courts letter vnto them, and that the same be copyed out, & left on file wth the reccords of this Court.

[*388.]
Courts order
about the
peoples ad-
dresse, &c.

To the Kings most excellent Majesty.

Most gracious *gracious* drad Soueraigne:—

Wee, your majesties most dutifull & loyall subjects, inhabitants w^{thin} yo^r maj^{ties} colonjes of the Massachusets Bay in New England, being informed that through the ill will of some (as wee haue just cause to feare) who are not freinds to our constitution & order heere established by the charter granted by yo^r royall father, of blessed memory, hath binn misrepresented, and insinuations made as if your good subjects of this your colony were vneasy vnder the same, yea, groaned by reason of the heavy burthens layd vpon them thereby, insomuch that they were generally desirous of the dissolution thereof; and least such reports and suggestions coming to yo^r maj^{ties} knowledge should make any impression vpon your royall breast, & create any jealousies therein, so as to lessen your maj^{ties} good opinion of your sajd government, wee haue thought it our bounden duty to God, yo^r maj^{ty}, & ourselues humbly to informe yo^r maj^{ty} that yo^r sajd government doth in no wise deserve such a charrecter, but hath been abundantly satisfactory to us your obedient subjects, & such as for wth wee doe acknowledg ourselues greatly obliged to render our hearty & sincere thanks to Almighty God, and also to your sacred majesty for the continuance of the same hitherto. And, that it may yet be continued and perpetuated, wee, your maj^{ties} loyall subjects, the subscribers, are most humble suito^rs vnto your maj^{ty}, wth all imploring your maj^{ties} favo^r in giving us leaue to declare that your majesty cann by nothing more knit and binde the hearts of us your sajd subjects to all expressions of loyalty and obedienc (which wee are resoled at all times to manifest) then by your gracious acceptance of this our address, and grant of our earnest desires therein conteyned; this

Inhabitants
address to his
maj^{ty}.

1683.

30 March.

will fill our hearts wth joy & thankfulness, this will dispell & scatter those clouds of feares which are risen in the minds of very many of yo^r good subjects, least they should be deprived of those libertjes and priuileges w^{ch} they hold in such high esteeme, and haue themselves and progenito's been at so great hazard and charge, & encountred wth such extream difficultjes for the injoyment thereof. And this will further oblige vs foreuer to pray for yo^r maj^{ties} long and prosperous reigne here, and that yo^r earthly crounes may at least be changed for an æternall croune of glory.

[*389.]

Day of humil-
liation on the
10th of May
next, printed.

This Court, considering the solemn warnings of Prouidenc, both by signes in the heavens and the various instances & effects of divine displeasure w^{ch} wee haue felt formerly & of late, by sword, fire, blastings, losses at sea sicknesses, & deaths of many eminent & vsefull persons amongst vs, & those difficult circumstances wee haue binn and are yet labouring vnder wth respect to our publicke affayres, as also the troubles of the people of God, & low & conflicting condition of the Prottestant interest in Christendome; and knowing that our sinns against and prouocations of the Lord (w^{ch} yet visibly increase amongst us) are the *procuring causes thereof, & for w^{ch}, w^{thout} reformation, wee may yet justly expect greater and more vnifall calamitjes; and that the only meanes for the auerting impending judgments, and lengthening out of our tranquility are sincere humilljation & repentanc, doe therefore apoint the 10th of May next for a day of solemn humiliation thro^{ut} this colony, therein humbly to implore the mercy & fauour of God for ourselves heere, in respect of our sacred, ciuil, & temporall concernes, and more especially those in the hands of our agents abroad, as also for those kingdomes vpon whose welfare our oune doth so nearely depend, & for the Prottestant churches and interest elsewhere. And all ministers are desired to give timely notice to their people in their respective churches & townes, that they may be the better prepared to attend vpon the worke of the day, according to the nature thereof, & the solempne calls of God therevnto; and all people are forbidden servile labo^r vpon that day.

By y^e Court.

E. R., S.

Right Honno^rble: —

Col^lno^r letter
to y^e R^t Hon-
no^rble St Lyonel
Jenkins, k^t,
one of his ma-
j^{ties} principall
secretar^s of
state.

His maj^{ties} royall letters of the 23^d of June last, solely relating to M^r Masons concerns, I received about the end of November, (thō to our great wonder,) seuerall coppies thereof, attested by M^r Chamberlajne, secretary of the Prouince of New Hampshire, were dispersed vp and doune some weeks, if not moneths, before. Vpon the 26th of January I received a letter

from M^r Mason, wherein, according to his maj^{ties} sajd royall letters, he did demand to be put into possession of all the comon and vnimproved lands, the bounds of which uncerteine, saue by him pretended to be lying from three miles north of Merrimack Riuer to Navmkeage; and also forthwith to be admitted to prosecute his right to such lands, lying within the limitts of this his majesties jurisdiction, as are now in the possession of particullar persons.

1683.

30 March.

I comūicated M^r Masons letter to the Gennerall Court, sitting on Feb^r 7th, and by their order and direction returnd him an answer to this purpose: That he might haue binn admitted to prosecute his clajmes by tryalls at law to any lands in the possession of particullar persons long since, had he desired it, and that he might proceede assoone as he pleased, giving notice a moneth beforehand at which Court wthin the county where those lands lye he would attend, that so meet and vnconcerned both judges and juro^s might, according to his maj^{ties} comānd, be appointed him; and as for the comōns and vnimproved lands which he clajmes, the answer was, that the bounds & l^{imits} of the lands which wee suppose he meanes were *vnknowne to vs, and also that wee know of no land, (not an acre,) therein, vnder such a qualification, but that all sajd lands are impropriated by due meets and bounds, either to perticullar persons or touneships, and in actuall possession & improouement, & had been so for many yeares past. Since this answer M^r Mason hath been here in Boston, — a Court then sitting, — but hath made no further motion in his busines; and so it remajnes till he see cause to signify his desires further therein. Right honno^{ble}, I esteeme it my duty to his majesty humbly to informe in the p^{misses}, that his maj^{ty}, by your hono^r, may be acquainted, that, in obedience to his majesties comānds, there is no denjall of justice to M^r Mason, nor delay on our parts in that affaire. So, praying for yo^r hono^rs prosperity heere, & euerlasting happines hereafter, I am,

[*390.]

Right honno^{ble},Yo^r most humble servant,SYMON BRADSTREET, Go^l.

24 March, 1683.

Instructions for Joseph Dudley and John Richards, Esq^{rs}.

Imprimis. Yow are to present our addresse herewith sent to his majesty wth the first oppertunity, as also to acquaint some of the right honno^{ble} lords of the comītee for forreigne plantations wth the power yow haue received, & present them with a copy thereof, if desired.

Instrucons for
Joseph Dudley
& Jn^r Rich-
ards, Esq^{rs}.

2. If your comīssion be so farr accepted as to procure information of

1683.

30 March.

what his maj^{ty} requires, yow may humbly pray to vnderstand the whole at once, that so yow may endeavour, to the vttermost of your power, to giue his maj^{ty} intjre satisfaction.

3. If any thing be objected of misuse or transgression of the power or rules of our charter, or male administration of the gouernment which cannot indeed be warranted by our charter, vnderstood in the most fauo^rable sence for the planters, after the best excuse you can make, yow are humbly to begg his majesties gracious pardon, engaging reformation for time to come.

4. Whereas, in our comission and power sent to yow, one gennerall ljm-itation is the sauing to vs the majn ends of our coming ouer into this wilder-ness, yow are thereby principally to vnderstand our libertjes & priuiledges in matters of religion and worship of God, which yow are therefore in nowise to consent to any infringement of.

[*391.]

*5. As to the matters of appeales, if propounded to you, yow are humbly to represent & plead what euer may be argued from the patent to the contrary, as also the great inconveniences and burthens that will ineuitably come vpon his maj^{ties} subjects should appeales be imposed vpon vs, humbly praying his maj^{ties} fauour therein; and if (your endeavours notwithstanding) yow finde a resolution taken of requiring and setling appeales, and that any regu-lations or ljm-itations be proposed therein, yow are not to conclude vs by any act or consent of yours, but craue leaue to transmitt the same to vs for our further consideration.

6. It being of the essentialls in our charter to vse our oune liberty wth respect to freemen, this Court hauing repealed that law that appointed a yeares probation, so as now wee haue fully compljed with his maj^{ties} former letters and comānds in this matter, yow are not to make any alteration of the qualli-fications that are required by law as at present established.

7. The present constitution of the Gennerall Court, consisting of Magis-trates and the Deputjes as the select representatives of the freemen, being, without doubt, agreeable to our patent, yow are therefore not to consent to any alteration thereof.

8. The remooual of the seat of this gofūnment here, according to charter, yow are not to consent therevnto.

Fynally. Yow are to obserue these instructions, which are and shallbe as obliging to yow as your comission is to impower yow.

& was signed by the Court.

EDWARD RAWSON, Secret^y.

Gen^l & loving Friends :—

Wee received yours of 28 September & 3^d of October, by M^r Foy, together with seuerall other writtings, whereby wee vnderstand the sad and sorrowfull condition that yow and wee are reduced vnto, and the difficult chojce wee are put vpon, which hath cased many sad thoughts of heart, and in conclusion haue agreed vpon the comission and instructions herewith sent, which wee hope will giue his majesty & council satisfaction, being willing to doe the vttermost wee can to procure his majesties favour and our oune peace, and more wee cannot in conscience and reason be active in, at least till wee vnderstand what his majesty doeth further intend *and require. By the 'regulation of this gouernment' wee cannot conceive is meant an abolition of our charter, or any essentiall part of it; and therefore hope your comission will be esteemed as large as is expected. If yow perceiue it very probable that what yow are impowred to consent vnto will give satisfaction and procure the continuance of our enjoyments, yow may more fully & freely concede to what maybe propounded consisting with our charter, according to our instructions; but if yow perceiue, or cann be assured, that nothing will satisfy but the nulling our charter, or imposing of appeales, then yow may, and in that case we advise yow to, be slow in tendring the Prouince of Majne, or giving vp anything else but what our charter will not warrant our keeping; and in those things, if any such be objected, wee must reforme, and yow must shew yourselues very free and willing so to doe, and humbly begg his maj^{ties} favour for the enjoyment of what is very necessary for the welfare of the people heere, and maybe whout prejudice to his maj^{ties} dignity or revenue. But if nothing that yow haue power to doe will prevent a quo warranto, (though wee hope otherwise,) wee desire yow well to aduise whether it were best to make dispute, and be sure yow spend litle or no money therein, vnless yow cann haue very good assurance that it may be substantially made & main-
teyned by law. And if his maj^{ty} will take away our charter, (notwithstanding seuerall intimations in his gracious letters to the contrary,) and also dispossess vs of the Prouince of Meyne, wee desire he may be humbly informed of our charge and disbursments, to the value of aboue tenn thousand pounds, for the preservation of the people there. The summe of all wee can say and comend vnto yow is, to doe vs all the good yow cann, & to endeavor the preventing all the inconueniencjes you may, which wee doubt not but yow will vnfeignedly doe; and the God of heaven direct, counsell, assist, prosper, & succeed all your vndertakings in this our great concerne. The Treasurer will informe ^ what money he hath already prouided for yow, or is further taking care for in order to your supply. Wee much desire your returne hither this next

1683.

30 March.
Courts letter to
our agents.

[*392.]

1683.

30 March.

[*393.]

summer, if possible. *If they proceed to a quo warranto, yow may, if it can be safely donn, humbly desire to be excused from answering it, as hauing no power comitted to yow so to doe. Wee haue herewith sent yow the copies of seuerall cases concerning which yow gaue vs some intimations formerly, and what, for want of time, wee haue not binn able to compleat, wee hope to send p next ship, which wee judge will speedily follow. Wee haue herewith sent yow seuerall deeds & papers relating to the Province of Meyne, all which are comitted to yow to deliuer vp to his maj^{ty}, or improove in such manner as in your discretion shall thinke most for our advantage; and in case it be not adviseable to reteine the charter for sajd province, yett yow may plead at least that wee may retejne the sojle, for the security of the planters and those that haue had grants of lands there.

In the matter of Robert Orchard, wee haue herewith sent yow a copy of the order of the Gennerall Court relating to his case; but he refused to attend the methods for to haue justice donn him here, which, by order of our Court, he was directed vnto. The order of his maj^{ties} council directed to us was entituled, 'To the Gouvernor & Company of the toune of Boston,' which, being an error, may be improved for our advantage.

Wee haue also agreed vpon such emendations of our acts of trade so that they doe compleately or fully agree in all things wth the lawes of England, as by the copy sent to yow herewith yow may see. There being also some royall oare discovered, wee haue made provisson of some new lawes, that the fifth part may be reserved for his maj^{ty}, as a recognition due to him by our patent, when any prosecution or improovement shall be made of the mines that are or maybe discovered.

Likewise, wee haue sent yow a petition wth the subscriptions of the inhabitants of the three next countjes, which were sent to vs to communicate to yourselues to make vse of, if yow thinke it may be of any advantage to present to his maj^{ty}, that it maybe vnderstood that the gennerality doe not desire a chainge.

[*394.] Yow are also to take notice, in case yow see cawse to deliuer vp the deeds for the Province of Meine, that seuerall tracts *of land haue been granted to seuerall persons, viz^t: one to the colledge of a necke of land called Meejkoneage Neck, and a thousand acres lying in Casco Bay; also, a grant of a thousand acres to M^r Wharton; also, a grant to M^r Russell, Treasurer, and seuerall townships settled by the præsident of that prouince, which were confirmed, whiles yow were heer, by this Court, all which titles to the sojle should be excepted when yow make a surrender of that prouince.

S^{ts}, your assured lō friends,

EDWARD RAWSON, Secret^y.

In the name & by order of the Gennerall Court.

Mr James Russell, Treasurer, his accounts being examined by the committee, both debto^r and credito^r, w^{ch} is on file, was presented & returnd into the Court.

1683.

30 March.

Wee, the committee appointed by the Gennerall Court to examine the Treasurers acco^t, and make returne to the said Court, doe finde the abouesajd account in gennerall to be right, only some particullars remaine to be cleered, and objections to be answered, which could not be donn till the next account be brought in, which may be in June next, but they are of no great value, so that the calculation of what is to be paid and received may serve for the honored Courts information of the state of the whole, as neere as cann be computed for the present ; and further, the honnoured Court may take notice that there is ninety pounds paid Job Lane for the colledg, & eighty pounds p an^d paid marshall gennerall, which wee leaue to the Courts considerations.

Treasurers accounts audited & approved.

HUMPHRY DAVY,
JOHN HULL,
ELISHA HUTCHINSON,
RICH^d SPRAGUE,
ELISHA COOKE.

The Court, hauing perused the returne of the committee appointed to examine the Treasurers accounts, doe approoue thereof, (the ninety pounds paid Job Lane, & fower thousand floote boards, 7^{li} 12^s, for the colledge, onely excepted,) which is to be reimbursed him by the colledg corporation, it being paid w^{thout} the Courts order, also the Treasurer having voluntarily engaged to collect the rates gon out in October last, w^{thout} any further charge to the country.

E. R., S.

In ans^r to the peti^{ti}on of Jonathan Jackson, humbly desiring the fauour of this Court to grant him leave, being in necessity, to sell the whole or any part of the land w^{ch} his late honno^d father, M^r Edward Jackson, gaue him by his last will, w^{ch} prohibitts the sale w^{thout} liberty from the Gennerall Court or County Court be obteyned, the Court judgeth it meet to refferr the determination thereof to the next County Court for Midlesex.

Ans^r to Jonathan Jacksons peti^{ti}on.

*The Court being informed that the selectmen of Andivor & Bradford did wholly neglect the observance of the late order relating to the rating of wasst lands, the secretary was ordered to send a warrant for their or one of their appeaⁿce before this Court to giue an account for y^e same. Warrant issued out accordingly, & Lef^t John Osgood & Cap^t Shuball Walker appeared

[*391^a.]

Andiuer & Bradfords sent.

1683.

30 March.

New highway
to Kenecticut
to be layd out,
& Tresur to
pay 50^s for it.
16 May, 1683.

Sherborns
brandmrk,

△

Coms. sent,
Rich^d Leach
capt, & Nath.
Putnam left.
Jn^o Capen capt,
Ri. Hall leif^t,
Samuel Clap
ens., of Dor-
chester.

Comissions dd.
Jn^o Smith capt,
Jerr. Beale leif^t,
Tho. Lincoln
ensign, to
Hingham foot
compa.

Cmmissions
sent & dd.

Mr Ri. Dunmer
left to y^e troop
Newbery, Rou-
ley, &c.

Sam. Apleton
capt, Burna.
left, Symon
Stacy ensigne,
to y^e 1st compa.
Ipswich.

Mr Dani. Epps,
Jn^o Apleton
leif, & Tho.
Jacob ensi., to
2 comp.

Jn^o Andrewes
leif, W^m Good-
hue ens., 3
comp. at Che-
bacco.

[*392^a.]

Jn^o Gold leif,
Jn^o Pebody
ensigne, Tops-
feild.

Sam. Patrigg
q^{tr} m^r of troop
at Hadley.

Order as to Mr
Hubbards gra-
tuities pay-
ment, 50^s.

& gaue in their ans's. The Court ordered the selectmen of Andivor and Bradford to bring in a just & true account of all the wast lands wthin their respectiue townes vnto Cap^t Elisha Hutchinson, at Boston, the first second day of y^e next moneth, to his satisfaction; and also pay to the said Cap^t Hutchinson fīue shillings a peece each tounē, & he to pay the same to the country Tresurer for what hath binn disbursed for sending for them.

Whereas the way to Kenecticut now vsed being very hazardous to travelers, by reason of one deepe riuer that is passed fower or fīue time ouer, which may be ayvoided, as is conceived, by a better & nearer way, it is refferd to Major Pynchon to order y^e said way to be lajd out & well marked. He hauing hired two Indians to guide him in the way, & contracted wth them for fīuety shillings, it is ordered, that the Tresurer of the county pay the same in country pay towards the effecting this worke.

At the request of the constable of Sherborne, △ this marke is allowed them for their brandfūrke for their catle, weights, & measures.

Leiftenūt Richard Leach is appointed captaine of the ffoote company at Salem Village, & Nathaniel Putnam to be leiftenūt.

Leiftenant John Capen is appointed captaine of the ffoote company in Dorchester, Ensigne Richard Hall to be his leiftenūt, & Serjant Samuel Clap to be ensigne of the said company, & they are to haue their comissions accordingly.

Leiftenūt John Smith is appointed captain, Jerremiah Beale leiftenūt, & Thomas Lincolne ensigne to the ffoot company at Hingham.

This Court doth order & appoint Mr Richard Dunmer leiftenūt ouer the troopers of Newbery, Rowley, Andiuier, Bradford, & Topsfeild.

Samuel Apleton, Esq^r, is appointed captaine to the first foot company in Ipswich, Ensigne Thomas Burnam leiftenūt, Symon Stacy ensigne.

Mr Daniel Epps is appointed captaine of the second ffoot company in Ipswich, Mr Jn^o Apleton, Juñ, leiftenūt, & Thō Jacob ensigne.

Corporall John Andrews is appointed leiftenūt to the 3^d company at Chebacco, and W^m Goodhue, Juñ, ensigne.

*It is ordered, that Ensigne Jn^o Gold be leiftenūt to y^e ffoot compā at Topsfeild, & Sarj^t John Pebody ensigne.

Mr Samuel Patrigg, of Hadley, is appointed quarter master for y^e troope vnder the comānd of Major John Pinchon, & is to haue his comission accordingly.

This Court hauing formerly granted fifty pounds to y^e Reū Mr W^m Hubbard in consideration of his pajne in collecting a history of the first planting & setling of this colony, as in October last, for 50^{li}, it is ordered, that the

Treasurer pay him or his order halfe of the said sume as soone as money comes into his hands, and that the debts due from the country be payd in course as they arise due by this Courts order.

1683.

30 March.

In ans^r to the petition of Elisabeth Johnson, relict of y^e late Cap^t Isaack Johnson, that lost his life in y^e late warr, the Court judgeth it meet to free the peti^cōner from country rates during her naturall life.

Ans^r to Elisa.
Jnsⁿs peti-
cōn.

In answer to the request of Nathaniel Bullard, constable of Dedham, the Court declares, that he hath power, in all money rates already granted this session of Court, money not being tendered, to seaze any estate not phibbited by law, and make sale thereof after one moneth, if not redeemed by the party, and procure the mony thereby.

Courts direc-
tion to Natha-
Bullard, const.
Dedham.

Artickles of agreement had, made, & concluded vpon the tenth day of June, añ Dofñ one thousand sixe hundred eighty & one, annoq R. R^s Carolj Secundj, &c, xxxiii, by & betweene Thomas Danforth, Esq^r, præsident of the Prouince of Majne in New England, in behalf of the government & Company of the Massachusetts Bay in New England aforesajd, y^e cheife proprieto^r of the said prouince of the one part, and Mary Munjoy, widdow, relict, and sole administratrix of the estate of George Munjoy, late of Casco, in Falmouth, wth in the abouesajd province, marriner, deceacd, of the other part, —

Artickles of
agreem^t as to
president of y^e
Province of
Majne & Mary
Munjoy.

Wittnesseth, that whereas the s^d Thomas Danforth, Esq^r, præsident, by virtue of his cōmission from the said Go^vno^r and Company of the Massachusetts, hath ordered the settlement of a toune at Casco, errecting Fort Loyall thereon, and disposed of house lotts for the furtherance & encouragement of the said settlement; but forasmuch as the said Mary Munjoy doth lay clajme to a neck of land lying about said fort, the place agreed vpon for the said tounship, but hath not entred vpon any possession or improovement thereof since the devastation made by the Indian warr, for the fynall ending of all present disputes or after controuersies, clajmes or titles to be had or made by her or her heires or assignes, or any the heires of hir s^d late husband therevnto, it is mutually agreed, consented to, and concluded by and betweene the said partjes to these p^{ts}, as followeth: —

Concluded on
page 395.
Vide 395, ✱

*:Videljct, that the said Mary Munjoy, for the consideration heereafter in these presents expressed, shall haue, retejne, and enjoy the easterly end of the said necke of land wherevpon hir said husband haue formerly stood, bounded by a streight līne from the mouth of a runnet of water, on the easterly side whereof M^r Cleves house stood, and so to pass on to the old barne on the top of the hill, and from the barne the shortest līne to the salt water, excepting & reserving to the said touneship & ffort, for the laying out of house

[*395.]

1683. lotts, the lands all along the southerly side of sajd neck of land as farr as the meeting house, to extend twenty pole backward in length, reserving only twenty pole front for hir oune house lott, adjoyning to the sajd runnet. Further, that the sajd Mary Munjoy shall haue and enjoy the island called House Island, which hir sajd late husband formerly purchased of sundry of the inhabitants there. And more, the sajd president doth yeild & grant vnto hir two hundred acres of land vpon the neerest of the islands adjoyning, that remajne free & vndisposed of, in way of exchange and full compensation for the land hereinafter mentioned by hir released ; to haue and to hold all the lands aboue mentioned, (wth the exception and sauing the liberty afore expressed,) and the priuiledges and appurtenances thereto belonging vnto the sajd Mary Munjoy, hir heires & assignes, to her and their sole vse, bennefit, & behoofe foreuer. In consideration whereof the sajd Mary Munjoy, for herself, hir heires, executo^rs, and administrato^rs, doth hereby freely, fully, and absolutely remise, release, and foreuer quitt clajme, and doth resigne vp and assigne all hir right, title, interest, clajm, and demand of, in, & to thé whole remainder of the sajd neck of land vnto the sajd Thomas Danforth, Esq^r, president, in behalf of the gouernment and Company of the Massachusets, their successo^rs & assignes, to be disposed of according to the present settlement made by the s^d president ; to haue and to hold the same without the least reclajme, denjall, lett, suite, trouble, eviction, or ejection of her the sajd Mary, her heires, executo^rs, administrato^rs, or any of the heires of the sajd George Munjoy, or any other person or persons whatsoeuer from, by, or vnder them or either of them. In witness whereof the aboue named Mary Munjoy & Thomas Danforth haue interchangeably put their hands & seales the day & yeare first aboue written.

MARY MUNJOY, & a seale.

Sealed and deliuered in the

MARY MUNJOY, & a (seale).

psence of

[THOMAS DANFORTH, & a seale.]

Silvanus DAVIS,

Joseph Tounsend.

21 M^{ch}, 168³.

These artickles hauing binn read wth the Court, they doe allow and confirme the same.

EDWARD RAWSON, Secre^t.

Entred & recorded, word for word, in the Gennerall Courts booke of reccord, being compar'd wth the originall left on file.

As attests

EDW^d RAWSON, Secre^t.

M^{kt} as aboue.

[The following pages, *393* and *394*, accidentally recorded out of place in the original, have been here restored to their proper situation.]

1683.

30 March.

[*393*.]

A neck of land & a 1000 ac's granted to y^e presid^t & fellows of Harvard Colledge in y^e Province of Mayne.

Courts act & grant as & to Mr Wharton, &c, 1000 ac's, &c.

*This Court doe grant Merrykoneag necke of land in the Province of Mayne, in Casco Bay, wth one thousand acres of land adjacent, vnto the president & fellow^s of Harvard Colledge in Cambridge, to be & remajne to the vse of the sajd colledge for euer; and the president of the sajd province is ordered to bound out sajd grant, as maybe most behoofefull for the colledge.

Whereas M^r Richard Wharton hath represented his great sufferings to this Court, by occasion of a sentence of a Gennerall Court, in May, 1674, prohibiting him to plead any cause but his oune & that of M^r Bellinghams, and the Court, vnderstanding that the effects of the sajd sentence had exceeded the intentions thereof, and that if the sajd Wharton had then so fully & clearly represented his case as now he doth, he might haue binn acquitted, therefore, for the sajd Whartons releife, and in manifestation of the Courts respect and favour, it is ordered, that the sajd sentence be totally and effectually reuersed, and that, for his full satisfaction, one thousand acres of land in the Province of Mayne, either vpon any free island or place vpon the mayne, be & heereby is freely granted to the sajd Wharton, his heires and assignes for euer, to be measured & lajd out by such persons as this Court shall appoint, and all other voates to be null & voyd.

This Court, hauing taken into consideration the petition of M^r John Gifford, doe grant him liberty to revjew his case in forma pauperis at the next Court at Ipswich, which stands adjourned to the tenth of Aprill next, by order of this Generall Court, the former order of this Court notwithstanding, which is heereby repealed.

Courts grant to Mr Gifford to revjw in forma pauperis.

This Court doth order that those lands & islands, part of the Province of Mayne, conteyned in a writting made in parchment, & hath binn read & considered in both houses, be conveyed to the Treasurer of the country for the vses therein expressed, & that the scale of the Governo^r & Company be affixed thereto by the Go^uno^r.

Order for a deed of certeine islands in Province of Majne to be made to y^e Treasurer, w^{ch} is made by Tho. Danforth, Esq^r, president to y^e grantee, dated June, 1682.
Ans^r to M^r Margaret Mitchells petition.

In ans^r to the petition of M^{rs} Margaret Mitchell, the relict widdow of the Reūnd M^r Jonathan Mitchell, the Court judge meet that the County Court of Midlesex be impowred, & the sajd Court is hereby impowred, to consider of the case therein presented, and to act in it as shallbe for the good of the petiōner & her children, alwayes provided that the interest of sajd children in the estate left by the late M^r Mitchell, husband to the petiōner, be secured & improved for them to the best advantage.

1683.

30 March.
21 Feb., 82.

[*394^a.]

Court act &
liberty to Rob-
ert Orchard,
&c.

On a further motion from the petitioner wth refferenc to a smale tract of land scittuat neere the ffalls vpon Charles Riuer in Cambridg bounds, conteyn- ing fuetty acres, by hir sold to Nathaniel Hancock, the confirmation thereof in like manner be referd to the County Court of Middlesex.

*The petition exhibbitted by Robert Orchard to his majesty, together wth the order of his majestje & most honno^{ble} council made therevpon, being deliuered by the sajd Orchard 22th February, instant, being about fve moneths after his arrivall, and by them read and considered, it is ordered, that the sajd Robert Orchard haue liberty, without costs or charge, to present his complaint to this Court, or to any other Court that may take cognizance thereof, against any that haue donn him wrong in the execution of their office, or to haue a revjew of any judgment that hath binn passed against him; if vpon a full hearing of the case it appeare he hath binn any wayes wronged, he may haue right donn him.

A single coun-
try rate in
money payable
by July next
for our agents
suply & pay-
ment of debts.

It is ordered by this Court and the authority thereof, that the country Treasurer forthwith issue out his warrants to the seuerall townes, and peculiars wthin this jurisdiction for the levyng of one single country rate, to be paid in money, for the defraying the necessary charges of the colony, & that the selectmen of the seuerall townes, in making the sajd rate, proceed therein to asseesse every person as his estate was in the sixth moneth last given in for making of sajd country rates, & that the constables of each toune collect & gather the same, and make payments thereof to the country Treasurer, or his order, & to cleare their accounts wth him before the last of July next; and it is further ordered, that this money rate be wholly improoved for the supply of our agents in England, & for the payment of such debts as wherein the country stands absolutely engaged to pay money, & no other.

Ipswich Coun-
ty Courts ad-
journm^t.

It is ordered, that Ipswich County Court, that should beginn on Tuesday next, be adjourned & is adjourned to that day fortnight.

Who to keep
County Court
in Essex for
trjall of M^r
Masons
clajmes.

It is ordered, that W^m Stoughton, Esq^r, Peter Bulkley, Esq^r, & Jn^e Hall, Esq^r, together wth such other magistrates in Essex as are vnconcerned in M^r Masons case, be the persons to keepe the County Court there for the tryall of those cases that referr to the clajme of M^r Mason in that county.

Ans^r to M^r Ad-
am Winthrop's
petition, &c.

In ans^r to the petition of M^r Adam Winthrop, humbly desiring the favour of this Court that he, being propieter of an island, (called the Gouverno's Island,) falling to him by his anncesto^rs, wth stands chardged wth the rent of two bushells of aples yearly to the Gennerall Court, that the sajd rent or acknouledgment may be remitted, or a sume æquivalent accepted, & the sajd island fully discharged from the incumbrance aforesajd, the Court grants the

petiçoner his request, so that he pay, or cause to be payd, the sūme of five pounds money forthuith, by the first oppertunity, to our agents in England.

1683.

30 March.

*This Court doth constitute & appoint Cap^t Francis Hooke, of Kittery, in the Province of Meyne, their lawfull attorney on their behalfe & to their only vse, to demand & receive all dues to them apperteyning from any person or persons whatsoever, for the royaltjes & qujtt rents or settlement made by the præsidēt of the province; as also to take into his possession all lands & houses belonging to the Governo^r & Company within the said province, by possession or improovement of any the late servants, agents, or trustees of S^r Ferdinando Gorges, and, if need shallbe, to present & implead in the law all such persons or person as shall withhold and deteyne the same, & hauing gained possession, to lett out & dispose of said lands, by lease or otherwise, for the sole vse of the Goũno^r & Company, with the aduice of the præsidēt of said province for tjme being. Dated in Boston, 21 March, 1683.

[*396.]

Cap^t Francis
Hooke Gep.
Courts attur-
ney.

EDWARD RAWSON, Secre^t.

In the name & by order of the Goũno^r & Company of y^e Massachusets.

[The following instruments, part of the record of the May session, 1683, are entered out of place.]


Know all men by these presents, that wee, Abbagasset & Kennebes, being both Indian saggamores, doe here acknowledge & confess, for diuers good causes, and for good & valuable consideration, and by vs in hand received tenn yeares before the insealing and deliury of these presents by Xtopher Lawson, wherewith wee confess ourselues to be fully satisfied & pajd, haue bargained and sould, &, by these presents, doe fully, clearly, & absolutely bargaine and sell vnto the aforesajd Christopher Lawson one island lying & adjoyning in the River of Kennebeck, comonly called & knoune by the Indians Capeanagusset, and by the English comonly called & knoune by the name of Swann Island, wth all vpwoods, vnderwoods, flats, and creeks, with fishing, fowling, hawking, hunting, and with all priuiledges and appurtenances thereto belonging, to the said Xtopher Lawson, his execcuto^rs, administrato^rs, and assignes, and to their proper vses, to haue & to hold foreuer, wthout any trouble, lett, or molestation of vs, or by any of our exacquto^r ore assignes, ore by any other parson or parsons whatsoever, and for the true performance of the abouesajd premisses, without fraude & guile, wee doe here sett our hands & seales, this fueteenth day of August, in the yeare of our Lord one thousand sixe hundred sixty and seven, being the nineteenth yeare of the reigne of our


16 May.

Indian deeds
to Xtopher
Lauson, &
from him to
M^r Dany here,
& so on to y^e
16 of May, is
entred by mis-
take before its
time so much,
&c.

1683. sufferaine lord, King Charles the Second, King of England, Scotland, France,
& Ireland, Deffendor of the Faith.

16 May.

ABNEGUSSET,  & a seale in hard red wax,

Sealed, signed, & deliuered KENEBEZ,  & a seale in red wax.

in the presence of vs,

Ephraim Marston,


Thomas T Watkins,

Abell Cannon,


Rich^d T Boudin.

Thomas Watkins & Ephraim Marston doe affirme, vpon oath, that this is
the Indians act & deed, the 21 day of June, 1668.

Before me, NICHOLAS REYNOLL, Just Peace.

Abell Cannon did depose, vpon oath, before me, that these are the
hands & seales of Abnegusset & Kenebes, both Indians, this 2^d day of
August, 1668.

EDWARD PATTESHALL, Majestrate.

Enterd & recorded from 16th May, 1683.

p EDWARD RAWSON, Sec^y.

[*397.]

*To all Christian people to whom this present writing shall come, I,
Christopher Lawson, of Kenebeck Ryuer, send, greeting, in our Lord God
euerlasting. Know yee, that I, the 3^d Christopher Lawson, for the securing
of the payment of one hundred and tenn pounds three shillings vnto Humphry
Davy, of Boston, in the Massachusetts colony in New England, merchant,
haue given, granted, bargained, sold, enfeoffed, and confirmed, and by these
presents doe give, grant, bargain, sell, enfeoff, & confirme vnto the sajd
Humphry Davy, his heires, execcuto^rs, administrato^rs, and assignes, one island
lying and adjoyning in the Riuer of Kennebeck, comonly called and knoune
by the Indians Cape Anagusset, and by the English comonly called and
knoune by the name of Swan Island, wth all vpwoods, vnderwoods, flatts,
creeks, marishes, wth fishing, fouling, hawking, hunting, and wth all priuiledges
& appurtenances thereof and therevnto belonging, and all my right, title, & in-
terest in the same; as also haue giuen, granted, bargained, sold, enfeoffed, &
confirmed, & by these presents doe giue, grant, bargain, sell, enfeoffe, and
confirme vnto the sajd Humphry Dauie, his heires, execcuto^rs, administrato^rs,

1683.

16 May.

Christopher Law-
son deeded to
Mr Davy.

& assignes, my now dwelling house as it is now, & with what further additions or finishing worke is or may be to the same, wth one out house [^], and wth all my right, & title, & interest in the said island & house aforementioned, & all rights, priuiledges, & appurtenances thereof & therevnto belonging, to the said Humphry Davy, his execcuto's, administrato's, & assignes, & to his and their proper vse; to haue and to hold foreuer, from the day of the date thereof, as a sure & perfect inhæritance. And I, Christopher Lawson, for myselfe, my heires, execcuto's, administrato's, and assignes, doe promise, couenant, grant, & agree to & wth the said Humphry Davy, his execcuto's, admin^{tr}ato's, & assignes, that it shall be lawfull for the said Humphry Davie, his execcuto's, administrato's, & assignes to haue, hold, occupy, possess, and enjoy the bargained premisses wthout any lawfull lett of myself, wife, heires, execcuto's, administrato's, or any other person or persons lawfully clayming from, by, or vnder me; and I doe also promise, couenant, and grant, & agree to and with the said Humphry Davie, his heires, execcuto's, administrato's, and assignes, by these presents, that the bargained premisses, wth the appurtenances, are free and cleere, & freely and cleerely acquitted, exonnorated, and dischargd^e of and from all other bargaines and sales, gifts and grants, titles, mortgages, actions, suites, arrests, judgments, executions, and incombrances whatsoeuer to this day, & shall deliuer all escripts concerning the premisses vnto the said Humphry Davy, faire, & vncancelled, and vndefaced, provided and allwis and it is agreed, that if I, Christopher Lawson, my heires, execcuto's, administrato's, or assignes, shall pay or cause to be paid vnto the said Humphry Davy, his heires, execcuto's, and administrato's or assignes, the sume of one hundred & tenn pounds three shillings in currant money of New England, or in bevar or moose at price currant, at or before the next last of June next ensuing the date hereof, that then this present bargain and sale to be voyd & of none effect, or els to remajne in full force, strength, & virtue. In witnes whereof, I, Christopher Lawson, haue herevnto set my hand & seale, in Kennebeck, the last day of June, in the yeare of our Lord one thousand sixe hundred sixty & eight, annoq Regni Regis Carolj Secundj, &c.

Signed, sealed, & deliuered CHRISTOPHER LAWSON, & a seale.

in presence of us.

Robt Patteshall,

John Foote.

*Furth^r, Richard Patteshall testifieth & saith, that he hauing set his [*398.]

1683. hand as a witnesse vnto this writing, he did see Christopher Lawson signe,
 16 May. seale, & deliuer the same, as his act & deed, on the day of the date thereof.
 Taken vpon oath, this 22th Sep^r, 1670, before me.

RICHARD PARKER, Co^mmission^r.

This instrument was acknowledged by Christopher Lawson as his act & deed, November 22, 1672, before

EDW: TYNG, Assistant.

Entred & recorded from 16 May, 1683, here.

p EDWARD RAWSON, Secre^t.

Annexed.

Xtopher Lau-
sons deed to
Mr Davy.

Whereas I was formerly indebted to Mr Humphry Davy, & mortgaged for the same Swan Island in Kennebeck, with the house & all appurtenances therevnto belonging ; and for want of payment & satisfaction the premisses are *are* justly become forfeited vnto, & possessed of, the sajd Davje, who, notwithstanding, since offered me the premisses againe vpon payment of what is due to him, which I am vncapable to performe or procure to be performed ; so that it remajnes firmly to him, according to the mortgage & deed for the same. And now, the sajd Mr Davye hauing, out of his compassion to mee in my lowe estate, and for my present help for my settlement in some good way for my future liuely hood, payd me a considerable some of money & other pay, I doe heereby declare myself thankfull and satisfied, wthout any future clamours, pretences, or trouble of the sajd Davie, his heires & assignes, in or about & concerning the premisses, or in relation therevnto. Wittnes my hand, in Boston, this xxijth day of November, one thousand sixe hundred seventy & two.

Signed, sealed, & deliuered in
the presenc of us.

Jn^o Bullard,
Penn Tounsend.

CH: LAWSON, & a seale.

Ch Lawson acknowledged this instrument as his act and deed, 22th Nov^r, 1672, before

EDW: TYNG.

Entred & recorded from 16 May, 1683.

p EDW: RAWSON, Secre^t.

In answer to the petition of Mr Humphry Davye, humbly desiring this
 Courts aprobaton & confirmation of his lands purchased of Christopher Law-
 son, who purchast the same of Abbegusset & Kenebez, two Indian saga-
 mores, as mentioned in y^e deed aboue & before written, &c, the Court allowes
 & approoves thereof.

1683.

16 May.

Courts ans^r to
 Mr Davys peti-
 con.

EDW: RAWSON, Secret.

The 4th of June, 1655.

To all Xtian people to whom this present writing shall come, greeting.
 Know yee, that I, John Saers, of Casco Bay, skale maker, for & in considera-
 tion of good and valuable consideration & payment to me made before the
 date hereof by Isaack Walker, of Boston, shop keeper, haue bargained & sold,
 & doe heereby bargaine & sell, vnto the aforesajd Isaack Walker one island,
 comonly knoune & called by the name of Long Island, in Cascoe, the westward
 end lying to Huswiues Sound, and the other end to the north east, reaching
 to Luxons Sound, in the aforesajd Casco Bay, together wth all the priuiledges,
 appurtenances, hereditaments, proffits, both by land & water, wth bennefits of
 harbour & adjacent proffits therevnto belonging, to haue & to hold the foresajd
 premisses to him, the sajd Isaack Walker, as is aboue exprest; I say, for sd
 Isack, his heires, executo^rs, administrato^rs, and assignes, as his and their oune
 proper right and due from this time & foreuer. And I, the sajd Saers, doe
 heereby further bind myself, heires, execcuto^rs, & administrato^rs to defend &
 keepe the sajd Isaack Walker, his heires, execcuto^rs, & administrato^rs, &
 assignes harmeless of and from all manner of person or persons whatsoeuer
 that shall or may lay claime therevnto, either now or heereafter; and doe
 further promise and bynd myselfe, heires, execcuto^rs, & administrato^rs to con-
 firme this present deed *more fully vnto Isaack Walker, his heires, execcu-
 to^rs, administrato^rs, or assignes, according to law in the Massachusets Bay, at
 any time heereafter, when the sajd Isaack or his assignes shall require it. In
 witnes whereof, I, John Saers, haue herevnto set my hand & seale the day &
 yeare aboue written.

Jn^r Saers deed
 to Isak Walk-
 er.

[*399.]

JOHN SEARS, & a seale.

Witnes herevnto.

W^m Hambleton,

Thomas Warner.

Vnderwrit. John Seares came before me this 11th of Aug^t, 1655, and
 did acknowledg this deed of sale on this side, and the confirma^t, wth the
 liuery and seisin, on the other side of the leafe, to be his act & deed.

Before me, RICHARD BELLINGHAM, Dep^t Go^v.

1683.

16 May.

This writting, in written, I, the aforesajd John Sears, doe fully confirme vnto Isack Walker, his heires, execcuto^rs, administrato^rs, and assignes, acknowledging that I haue dd free & full possession of the aforesajd island & premisses vnto Isaack Walker, p deliuering of a twigg & turffe, according to vsuall custome. In witnes whereof, I haue heerevnto set my hand & seale this 4th of June, 1655.

JOHN SAERS, & a seale.

Signed, sealed, & dd in psence of

John Winter,

Thomas Sallous,

Mordecay Crauet, (-) his mark.

Entred & recorded in the booke of records for the county of Suffolke, at request of Mr Isack Walkers, 16 March, 1658.

p EDW^d RAWSON, Recorder.

3 B., p. 210, 11. Entred & recorded in the booke of records for the county of Suffolke in New England, 16th of March, 1658, at the request of Isaack Walker.

p EDW: RAWSON, Recorder.

4 B., p. 398. Entred & recorded in the Gefill Courts book of records attests from 16th May, 1683.

EDW: RAWSON, Secre^t.

Bee it knoune vnto all men by these presents, that I, Francis Small, of Casco Bay, haue and heereby doe sell vnto Isack Walker, of Boston, the plantation that I haue lately bought of Richard Martyn, which was last possest by Thomas Drake, lying ouer against Clapboard Island, wth all the housing and profits, priuiledges & appurtenances therevnto belonging as now it stands, & the same to remajue to the sajd Isack Walker, his heires, execcuto^rs, administrato^rs, & assignes for euer, wthout any interruption, molestation, or denyall of any person or persons whatsoever, and withall to deliuer, or cause to be deliuered, to the sajd Isaack Walker the writings that I, the Francis Smalle, haue of Richard Martyn, Thomas Drake, and John Phillips as concerning that plantation, and is in consideration of twenty fue pounds ten shillings which the sajd Isaack Walker pajd me in part before the sealing heereof, and the remajnder that is behind the sajd Isaack is to pay me in goods on all demands after the 20th of December next, after the date heereof, only what I

already owe him to be allowed in part of payment. To the trueth hereof I
bynd myself, my heires, execcuto's, & admin*trato's firmly by these presents.
Witnes my hand & seale, the 2^d of November, 1658.

1683.

16 May.

FRANCIS SMALLE, & a seale.

Signed, sealed, and dd in y^e p'sence of

Thomas Mihell,

Georg Ingersoll,

Jn^e F Winslad,his m^rk

Jonck.

George Ingersoll appeared before me the 28 of June, 1682, and made
oath that he saw Francis Small signe, seale, and deliuer the aboue instrement
the 28 of June, 1682.

Before me,

EDWARD TING, Just.

Endorst.

I, Isack Walker, of Boston, in New England, wth the consent of my
wife, Susanna, for and in consideration of full payment & sattisfaccon by me
in hand received of M^r Richard Russell, of Charls Toune, doe heerby acknowl-
edge to haue sold, & doe hereby sell, assigne, & make ouer the plantation
mentioned in the inwritten deed, wth all the profits, priuiledges, & appur-
tenances therevnto belonging, according as is expressed, to remajne to the sajd
M^r Richard Russell, his heires, execcuto's, administrators, and assignes from
the day of the date hereof for euer, wthout any interruption, molestation, or
denyall of the sajd Isaak Walker, my heires, execcuto's, admin*trato's, or
assignes, or any other person or persons, or other y^t shall lay claime there-
vnto. In witnes whereof, I haue heerevnto set my hand & seale, the two *&
twentieth day of August, 1667.

[*400.]

ISACK WALKER, & a seale.

Teř, James Russell,

Paul Dudley.

Entred & recorded, from 16th of May, 1683,

p EDW: RAWSON, Secreř.

Another of like tenno^r & date, on y^e backe side, of John Sares, his deed
on island, is sajd insteed of plantatiō.

This attests

E. R., S.

1683.

16 May.

These are to testify to whom it may concerne, that Isaac Walker, of Boston, & Susanna, my wife, doe hereby acknowledg to haue given, granted, bargained, & sold vnto the wo^rpff^l M^r Richard Russell, of Charles Toune, an island and plantation lying & being in Casco Bay, according to two seuerall deeds for the same, that are already signed, sealed, & deliuered to y^e wo^rpff^{ll} M^r Richard Russell aforesajd, before witnesses, the which island & plantation is to remajne vnto the wo^rpff^l M^r Richard Russell, his heires, execcuto^rs, administrato^rs, and assignes as his & their oune propper estate from the day of the date hereof foreuer. In wittnes whereof, wee haue herevnto set our hands, the 25th day of August, 1667.

ISAACK WALKER,
SUSAN WALKER.

This writting was acknouledged by the subscribers to be their act & deed
26 of August, 1667.

Before JOHN LEUERET, Assistant.

Entred & recorded heere, at the request of James Russell, Esq^r, for 16
May, 1683.

In ans^r to the petiçōn of James Russell, Esq^r, executo^r to y^e last will
of y^e late Richard Russell, Esq^r, to approove, confirme the tract of land &
plantation, wth Long Island in Casco Bay, y^t his father long since purchased
of Isaack Walker, as in y^e petiçōn, the Court grants the petiçōners request
therein, and stands one after the other recorded, word for word.

As attests

EDWARD RAWSON, Secre^t.

**Att a Generall Court for Elections, held at Boston, 16th May, 1683.*

16 May.

[*401.]

SYMON BRADSTREET, Esq̃, was chosen Gof̃nor, & took his oath in open Court.

Thomas Danforth, Esq̃, was chosen Dep^t Gof̃no^r, & took his oath, 4 com̃iss̃ in reš.

Daniel Gookin was chosen an Assistant for y^e yeare ensuing,

John Pynchon was chosen an Assistant,

W^m Stoughton was chosen an Assistant, & 1st Com̃ission^r,

Joseph Dudley was chosen an Assistant,

Peter Bulkley was chosen Assistant, & 2^d Com̃issio^r,

Nathaniel Saltonstall was chosen an Assis̃t̃,

Humphry Davy was chosen an Assistant,

John Richards was chosen an Assistant,

Samuel Nowell was chosen an Assistant, & 3 Com̃iss̃i in re-

Willjam Broune was chosen an Assistant, [serv.

John Hull was chosen an Assistant,

James Russell was chosen an Assistant, & Treasurer,

Peter Tilton was chosen an Assistant,

Bartholmew Gidney was chosen an Assis̃t̃,

Sa^m Apleton was chosen an Assistant,

Robert Pike was chosen an Assistant,

Daniel Fisher was chosen an Assistant,

John Woodbridge was chosen an Assistant,

& Maj^r

[Ge^{ll}.

& tooke y^eir

oathes to y^t

place be-

longing.

Edward Rawson was chosen Secre^t.

The names of the deputies returned at this Court, first sessions :—

From Salem : M^r Jn^o Hathorne, 1 š.

Charls Tō : M^r Timō Lyndon, 1 š, M^r Richard Sprague, M^r Jn^o Phillips.

Dorchester : M^r James Blake.

Boston : M^r Anthō Stoddard, M^r Elisha Cooke, Cap^t Edw^o Hutchinson.

Roxbury : M^r Edward Morrice.

Water Toun : M^r Symon Stone.

Cambridg : M^r Edw^d Winship, M^r John Stone.

Lynn : M^r Andrew Mansfield.

Ipsuich : Cap^t Jn^o Whiple, M^r W^m Goodhue.

1683.

16 May.

Newbery: Cap^t Daniel Pearce.Weymouth: Cap^t W^m Torrey.Hingham: M^r Nathaniel Beales.Concord: M^r James Blood.

^ ^ , Dedham.

M^r Samuel Marshfield, Springfield.M^r Jⁿ^o Pickard, Rowley.M^r Samuel Thompson, Braunry.Lef^t W^m Johnson, Wooborne.M^r Peter Ayres, Hauerill.Cap^t John Wayte, Maulden.Lef^t Phillip Smith, Hadley, 1 s̄.M^r Joseph Hawley, Northmp^t, 1 s̄.M^r Jⁿ^o Haynes, Sudbury.M^r Jⁿ^o Broune, Redding.M^r Excercise Connant, Beūly.M^r John Hascoll, Gloucester.

M^r Elisha Cooke was chosen Speaker to y^e deputjes for y^e session.

[*402.]

Rating of catle
to y^e country
rate.

*This Court, considering that catle are rated to the country at a greater value then they will yeild from man to man, doeth therefore order, that henceforth all neat catle shall be rated to the country, viz^t: oxen at four yeare old & aboue at three pounds a peece, all coves & steeres at three yeares old & aboue at forty shillings a peece, & all of two yeare old at thirty shillings a peec, and yeare olds at fueteen shillings a peece, & swyne at a yeare old at tenn shillings a peece.

A new planta-
tion and toun-
ship granted to
Major Thomp-
son, &c.

This Court hauing information that some gentlemen in England are desirous to remooove themselues into this colony, & (if it may be) to setle themselues vnder the Massachusets; for the incouragement of such persons, & that they may haue some from among themselues, according to their motion, to assist & direct them in such a designe, this Court doth grant to Major Robert Thompson, Willjam Stoughton, & Joseph Dudley, Esq^r, and such others as they shall associate to them, a tract of land, in any free place, conteyning eight miles square, for a touneship, they setling in the sajd place, wthin fower yeares, thirty familjes & an able orthodox minister, and doe allow to the sajd touneship freedom from country rates for fower yeares from the time aboue ljmited.

In ans^r to the petiçōn of Benjā Bosworth, Thō Steevens, Boaz Broune,

&c, inhabitants of Pompositticut, & at the motion of the comitte there appointed to order the affaires of sd new plantation betweene Concord & Lancaster, called as aboue, this Court doth grant that place to be a towneship, & doe allow the choice already made by the inhabitants of selectmen, constable, &c, provided they act nothing contrary to the instruction & order given them by the comitte for the prudent distribution of their lands, & encouragement to the setling of a minister among them ; and that the name of the said toun be Stow ; and they are freed from country rates for three yeares next ensuing.

This Court judg meet to order the Treasurer forthwith to pay vnto M^{rs} Dudley fuety pounds money, for the supply of hir family in her husbands absence vpon the publick service of the country.

This Court, being informed by our agents, now in England, of the good will & freindship of Major Robert Thompson, of London, & his readiness vpon all occasions to be assistant to them in the service of this colony, wherein they are, according doe, by way of gratuity, give vnto the said Major Thompson & his heires five hundred acres of land in the Nipmug countrey, to be lajd out to him wthall reasonable convenience.

This Court, being informed by our present & former agents of the good will, freindship, & vnwearied paines, vpon all occasions, of M^r John Collins to promote the welfare & prosperity of this colony, doe, by way of gratuity & acknowledgment, grant & give vnto the said M^r John Collins & his heires, foreuer, five hundred acres of land in the Nipmuck country, to be lajd out to him, or his order, wthall reasonable convenienc ; and this Court doe appoint Major Gookin, Cap^t Hamond, & M^r Samuel Andrws, survejor, or any two of them, a comitte to lay it out, & make returne to this Court for their confirmation.

*For the setlement of the souldjery at Newbery into two companjes, according to the order of this Court, it is ordered, that Thomas Noyce be captaine of the second company, that Trystram Coffyne, leiftenñt, & Jacob Tappin, ensigne, & that comissions goe out accordingly, & the gentlemen doe forthwith meet & take care that the circuit of each company be determined.

Forasmuch as the troope belonging to Ipswich is without a captaine, the former, vpon his oune motion, dismist, this Court doe appoint Cap^t John Whiple to be captaine of that troope in the roome of Cap^t John Apleton, & Corporall John Whiple to be coronet in the same troope.

In answer to the petition of a squadron of troopers, signed by Nathaniel Hayward, Jacob Barney, Edward Dodge, &c, in the name of the rest, the Court judgeth it meete to grant their request, that they be a distinct troope of

1683.

16 May.

A new plantation at Pompositticut, between Concord & Lancaster, now Stow, gr^t to Benja. Bosworth, &c, & 3 yeares exemption from rates.

Courts gratuity of 50th mony to M^{rs} Dudley.

Courts grant to Major Robert Thompsons 500 acres.

Courts grant to M^r Jⁿ^s Collins, 500 acres, &c.

Tho. Noyce capt, Tristram Coffin left, Jacob Tappin ensig, 2 compa. at Newbury.

[*403.]

Comissions issued out.
Jⁿ^s Whiple, Sen^r, capt of y^e troope at Ipswich, &c.
Comission issued out.
W^m Raymond left, Jⁿ^s Dodge, Sen., corn^t, W^m Dodg, sone of farmer Dodge, qu^rtm^r of Beüly troop. Comiss. issued out.

1683.

16 May.

themselves, so as they prejudice not the ffoote company there, and doe appoint Willjam Raymond, leif ĩ, Jn^o Dodg, Señ, cornet, & W^m Dodge, the son of Farmer Dodge, Señ, to be quarter m^r to the sajd troope, the troopers being inhabitants of Beuerly & Wenham.

Jn^o Osgood cap^t, Tho. Baker leif, Benja. Kemball corn^t, of y^e troope ras^d out of Andiu^r, Topsfeild, & ĩ, Bradford, & ĩ. 3 comiss. issued out & dd. to one Johnson.

Ans^r to Jn^o Bakers peti^on, a hearing gr^d in October next y^e 1st Fryday.

Ans^r to M^r Willis peti^on, a hearing gr^d next session.

Ans^r to Robert Bloods pet^on, a hearing in October next granted. Case to be heard.

In answer to the petition of seüll inhabitants of Andiu^r, Topsfeild, & ĩ, the Court grants their request, & grants them, wth the consent of the cap^t or cheife officers of the ffoote company, liberty to compleate their troope to the number of forty eight men, besides comission officers, and doe appoint John Osgood to be cap^t of that troope, Thomas Baker leif ĩ, & Benjamin Kemball cornet.

In ans^r to the petition of Th^o Baker, Jacob Toune, & Jn^o How, the matter conteyned in sajd peti^on is referred to consideration to the first Fryday of the next sessions in October next by this Court, and that notice be given to all parties concerned then to appeare & attend their concernes therein.

In answer to the petition of M^r Edward Willis, the matter of this peti^on is by this Court referd to consideration vntil the next session of this Court in October.

In ans^r to the petition of Robert Blood & Elisabeth, his wife, liberty is granted to y^e peti^oners at the next sessions of this Court in October next to produce his evidences, proving the Gennerall Courts grant of the thousand acres of land given by Majo^r Symon Willard in dowry wth his daughter Elisabeth, wife of the sajd Blood, & that the selectmen of Concord haue notice hereof, that the sajd toune (if they see cause) may then also attend & offer what they haue to say in refference to the p^rmisses mentioned; and the other cases ref^rd in October last are to be heard at y^e next sessions, one after another.

Ans^r to Hadley peti^on.

In ans^r to the peti^on of the inhabitants of Hadley, humbly desiring, for seuerall reasons therein mentioned, an enlargement of their bounds on their southerne bounds, & ĩ, the Court judgeth meet to grant, as an addition of land, to the towneship of Hadley fower miles square, provided that Majo^r John Pynchon may haue his fve hundred acres, part of a former grant to him, & formerly taken vp wthin that tract, be referred to him, and lajd out to him in such forme as the selectmen of Hadley & he shall agree, and that sajd land be of the towneship of Hadley.

[*404.]

A new plantation below Springfeild, called Enfeild.

*In answer to the petition from Springfeild & others, craving a towneship alitle below Springfeild at Freshwater Brooke, this Court doth grant a towneship there to the subscribers & such others as the comitte^e this Court appoints shall associat to them; and that the bounds of sajd plantation be from the land Springfeild hath yeilded to them, viz^t, at the mouth of the Long

Meadow Brooke below Springfield; from thence to run southward, by Connecticut Riuer, sixe miles; and the bounds or līne betweene Springfield and this new towneship to runn off from Connecticut Riuer, vpon a due east līne, tenn miles from the mouth of sajd Long Meadow Brooke, where it empties itselfe into the Great Riuer, aljas Connecticut Ryuer; and that the tōune be called Enfeild; and for the admittance of inhabitants, granting allotments, & ordering all the prudentiall affaires of sd towneship, this Court doth appoint Major John Pynchon, Leiu^t Thō Stebbins, M^r Samuell Marshfeild, Deacon Jonathan Burt, & Deacon Benjā Parsons, or any three of them, Major Pynchon being one, to be a cōmittee, who are fully empowred to mannage all the affaires of sajd towneship till this Court take further order; and that the sajd tōune be freed from country rates for five yeares from this time.

1683.

16 May.

5 yeares freedome from country rates.

In ans^r to the petition of M^r Peter Tylton, Esq^r, & y^e Reu^d M^r John Russell, of Hadley, excecuto^rs to the last will & testament of Henry Clarke, gen^t, praying the Courts consideration & confirmation of their execution as is set forth in sajd petition, reference thereto being had, the Court doe hereby impower & order the County Court of Hampshire to examine their accounts, & disbursments, & whole proceedings relating to the premisses, & to ap-
prooue of & fully confirme the same, or otherwise to make report of the state of the case to the next sessions of this Court.

Ans^r to M^r Tylton & M^r Russell's petition.

In ans^r to the petition of Sarah Wallingford, this Court reffers the petitioner to the County Court in Essex, who are hereby empowred to doe herein as they shall judg meet.

Ans^r to Sarah Wallingfords petition.

In answer to the petition of Francis Barnard, humbly desiring this Courts favo^r to order him tenn pounds mony out of what is due to him from the country, as in his petiçōn, &c, it is ordered, that the Treasurer pay to the petitioner tenn pounds in or as money, & charge the same to the account of Hadley, provided the selectmen of sajd tōune doe signify, vnder their hands, to the Tresurer, that there is so much due to the petiçōner.

Ans^r to Francis Barnards petition, & 10^u granted, &c.

In answer to the petition of Mary Kemble, the Court judgeth it meet to refer the consideration & determination of what is desired in sajd petition to the County Court of Suffolke, as in their wisdome they find just.

Ans^r to Mary Kembles petition, &c.

*In answer to the petition of Samuel Stow, of Marlborow, humbly desiring the favo^r of this Court to grant him liberty to purchase of the Indians there, out of their sixe thousand acres, twenty acres, he hauing but very litle accommodation in land, and it lying convenient for his enlargement, the Indians hauing binn treated with, & they being willing & consenting thereto, the Court judgeth it meet to grant the petiçōners request herein.

[*405.]

Ans^r to Sam. Stowes petition.

In ans^r to the petiçōn of W^m & Anna Hawkins, this Court grants a

1683.

hearing of their case on the first Fryday of the session in October next, & orders, that all persons concerned be sūmond then to attend.

16 May.

Ans^r to Elisabeth Jnⁿson, relict of Isa. Johnson.

The grant made by y^e Geñll Court in February last to Elisabeth Johnson, being suggested by her freinds that it would be much more to hir comfort in hir present issues to haue an order to receive tenn pounds of the Treasurer in country pay, the Court grants hir motion for the Tresurer to pay her tenn pounds in country pay.

Ans^r to Jnⁿ Muns petiōn, 12^a.

In ans^r to the petiōn of John Mun, it is ordered, that the Treasurer pay him forty shillings in money, and tenn pounds out of Hampshire rate in country pay.

Ans^r to M^r Jones motion, y^e 500 acres grant. to Theophilus Eatons children confirmed, &c. Theo. Eaton.

In ans^r to a motion made to this Court at request of the children of the aboue named Theophilus Eaton, Esq^r, deceased, the Court, having reuised their papers, doe allow & confirme the land lajd out as expressd therein, provided that it exceed not fuetty acres more then the fūe hundred granted them, and that the forme be reduced to a square or rombojds, and doe not prejudice any former grant.

Ans^r to Jnⁿ Wales & Content Masons petiōn.

In answer to the petition of John Wales & Content Mason, his daughter, relict of John Mason, humbly desiring that the like power of making sale & confirming deeds as was formerly by y^e Court granted to John Mason, & no otherwise, may be by this Court granted to them, being the administrato^rs of the sajd John Masons estate, the Court grants their request, & impowers them hereby accordingly.

Ja^s Russell.

In ans^r to the request of James Russel, Esq^r, on behalfe of M^{rs} Mehittable Foster, late relict of the late M^r Daniel Russell, for the securing of Mehitabel Russell portion, or fūe hundred pounds, the Court doe allow of & confirme the sale of the houses & lands of M^r Daniel Russells by his executrix, provision thereby being made for the securing the sajd Mehitabel the daughters halfe thereof, that belonged to hir father in Charls Toune, by fūe hundred acres of land in New Cambridge, being part of y^e farme Cap^t Prentice doth & hath long improoved.

[*406.]

Ans^r to W^m & Anna Hawkins peti., case to be heard on 1^a Fryday.

Comittee as to ordinarys.

Comittee to returne y^e thanks of the Court, &c.

*In ans^r to the petition of W^m Hawkins & Anna, his wife, the Court grants a hearing of the case on the first Fryday of the session that shall be in October next, & all persons concerned to be sūmond then to attend.

It is ordered, that W^m Stoughton, John Hull, & James Russell, Esq^rs, the former comittee, be continued, to agree wth the ordinary.

It is ordered, that W^m Stoughton & Humphry Davy, Esq^rs, be desired to returne the thanks of this Court to M^r Torry for his paynes in sermon at the election, & signify to him the Courts desire that he prepare & fitt his sermon for the presse.

It is ordered, that the cases should haue binn heard on Tuesday be res-
pitted, & referd to the 1st Tuesday in the sessions in October, at 8 of the
clocke.

1683.

16 May.

Time appoint-
ed to heare
cases.Quansiggamon
plantation
bounds, since
called Wor-
cester.

Being called and desired by Major Daniel Gookin, Esq^r, Capt Thomas
Prentice, & Capt Daniel Hinchman, a committee of the Gennerall Court, to
order the affayres of a plantation at Quansiggamond, to lay out the sajd plan-
tation according to the Generall Courts grant dated the 24th of October, 1668,
to the contents of eight miles square, hauing accordingly surveyed the same,
and draune this plat for the Courts confirmation, dated the 19th of May, 1683,
and is beginnīg from the south east angle at a chesnut m^kt tree of Quansiga-
mon Pond, & so thrō a g^t pine swampe & ouer Patchaog Hill at a S. W.
angle at a pine tree nineteen hundred & twenty rod, y^e cours S. W. & by W. ;
and from the south west angle, at a pine tree markt, runnīg N. & by west
thrō riuers & swamps 3 thousand seven hundred & sixty rods to a birch markt
tree at the north west angle, the cours N. E. by E., nineteen hundred &
twenty rods, to a white oak markt, & from the sajd white markt oake angle
tree to a m^kt stake two thousand two hundred & fiuety rod, y^e course S. &
by E. forty fiue minuts easterly, and from the sajd markt stake to ther north-
ermost end of Quansiggamond Pond sixe hundred and fiue rods south & by
E. sixe degrees easterly, and from the north end of Quansiggamon Pond to
the S. E. angle where wee first begann at y^e chesnut tree nine hundred and
twenty rod, y^e cours south fiue degerees fueteene minuts easterly.

The Court approoves of this returne.

E. R., S.

*In answer to the petition of M^r Samuel Shrimpton, for the release of
the quitt rent & incumbrance vpon Nodles Island, in the payment of forty
shillings or otherwise annually, as in the sajd petition is expressed, this Court
hath consented & doe heereby for euer release & set ffree the sajd island from
the sajd duty & payment, or what euer other incumbrance the sajd island &
lands thereof is by the sajd grant chardged with ; and that the same be holden
by the sajd Samuell Shrimpton, his heires & assignes, for euer in ffee, wthout
any incumbrance whatsoever, vpon no other condition but the payment of
thirty pounds money sterling of England to Joseph Dudley & John Richards,
Esq^s, our agents in England, or either of them ; and their receipt, wth copy
of this grant, to be his discharge accordingly.

[*407.]

This stands
entred from 7
Febr, 1682, be-
ing slipt or for-
gott. This
was to be en-
tred 7 Feb., 82.
Ans^r to Mr
Samuell
Shrimptons pe-
ticon, Nodles
Island freed &
released from
any rent, &c.

1683. **At the second Sessions of the Generall Court, held at Boston,*
10th Octob., 1683.

10 October.

[*408.]

PRESENT, Symon Bradstreet, Esq^r, Go^v,
 Thomas Danforth, Esq^r, Dep^t Go^v,
 Daniel Gookin,
 Willjam Stoughton,
 Joseph Dudley, 15.
 Peter Bulkley,
 Nathaniel Saltonstall,
 W^m Broune,
 Sam^l Nowell,
 John Richards,
 James Russell,
 Peter Tylton,
 Bartholmew Gidney,
 Sam^l Apleton,
 Robert Pyke,

Esq^{rs}.

IT is ordered by this Court & the authority thereof, that all the lawes vnder the head or title of Imposts, Impost of Wine, & Strong Lique^{rs}, Impost vpon Goods and Prouissions, with any explanation or addition made therevnto, and the law titled Publicke Charges, section the third, referring to the Treasurers issuing out warrants to the constables for collecting of assessments yearely, shall be and remajne in force for this present yeare, and vntill the tenth day of June, which will be in the yeare 1684, and for no longer time, any law, vsage, or custome to the contrary notwthstanding.

As an addition to the law, title Inkeepers: whereas that law, sectiō 3^d, imposes a fine of fve shillings on the licensed persons that are the breakers of that law, this Court doeth order, that the pœnalty for the breach of that law shall henceforth be forty shillings.

Law for erect-
 ing 2 grāmār
 schooles in
 townes, &c,
 & pœnalty.

As an addition to the law, title Schooles, this Court doth order and enact, that euery toun consisting of more then fve hundred familes or householders shall set vp & mainteyne two grāmār schooles and two wrighting schooles, the masters whereof shall be fitt and able to instruct youth as sajd law directs; and whereas the sajd law makes the pœnalty for such townes as provide not schooles as the law directs to pay to the next schoole ten pounds, this Court

heereby enacts, that the pœnalty shall be twenty pounds where there are two hundred familie or householders.

1683.

For the prevention of deceite & cousenage by persons being taken by execution, or deliuering themselves ouer as seruaunts vnto any, thereby to prevent their credito^rs taking hold on them, it is ordered & enacted by this Court & the authority thereof, that henceforth no person or persons shall be taken or deliuered ouer by execution, or shall deliuer vp themselves to any one or more of their credito^rs in way of service for satisfaction of any debt or debts owing by him or them, vnless it be with the knowledge & approbation of the Court of that county where such debto^r or credito^r dwell, that they may receive satisfaction in the iustness of the debt, & likewise sett the time that the debto^r shall serve, and that it may be publickely declared that he is a servant, provided this order shall not be interpreted so as to obstruct the legall procedure of any other credito^rs against any person so disposed to service, either formerly or heereafter.

19 October.
Order regulat-
ing settle-
by execution

*On the petiçõn of y^e administratrix & administrato^rs to y^e estate of the late Dr Isack Waldron, desiring that there may be a procedure of the case referd from this Court in October & May last between sajd Waldron & Cap^t Theophilus Frary, Lef^t Wing, & Ensigne Walke, the Court ordered a hearing of the case on Fryday next, at eight of the clocke in the morning: at the time y^e parties appeard & made the pleas.

[*409.]

Courts judgm^t
inter Waldron
& Frary, &c.
20 Octo.

In the case of Priscilla Waldron & John Vsher, administrato^rs of Isack Waldrons, plaintiff, by petiçõn, on the one part, & Cap^t Theophilus Frary, Lef^t Wing, & Ensign Walke, on the other part, the attachment, Courts judgment, & the euidence produced were read & considered: the Court doe judge for the plaintiffs the reuersion of former judgments, twenty shillings damage, and costs of Courts, with fower pounds for hearing of the case.

In answer to the petiçõn of Mary Fairebancks, widdow, this Court doth order, that her farme shall apperteine to Sherborne, according to the former settlement made by the Generall Court, and that such rates as she hath payd to Meadfeild since the aboue sajd settlement shallbe by them returned to hir againe.

Courts ans^r to
Mary Fair-
banks petiçõn,
& determina-
tion between
Sherborn &
Meadfeild.

In ans^r to the petition of Thomas Baker, Jacob Town, & John How, in behalfe of the toune of Topsfeild, for explanation of an order of Court made the 19th of October, 1658, referring to lands granted by Salem within Topsfeild bounds, vpon a full hearing of the case, and what hath binn alleadged, both by Salem & Topsfeild, the Court doe judge that the aforesaid order referrers only to such lands as were granted by Salem before the tenth of May, 1643.

Courts interpre-
tation of y^e or-
der 19 October,
58, & Courts
judgm^t inter
Topsfeild &
Salem.

1683.

10 October.
Courts judgment & determination of y^e case inter Butler & Holloways.

Whereas this Court, in order to the settlement of the controuersy between Stephen Butler & the children of Willjam Holloway, Señ, did order or determine that the sajd children of Willjam Holloway, viz., Willjam Holloway, Juñ, Benjamin Holloway, & Mary Holloway, should, w^{thin} one yeare, make payment to the abouesajd Butler of one hundred and fuetty pounds in money, by fower even & æquall quarterly payments, which, though legally demanded of them, they haue fajled in the payment off, this Court doth therefore heereby declare and appoint, that the abouesajd children of Willjam Holloway, Señ, shall beginn their first payment of thirty seuen pounds ten shillings money w^{thin} three months after the date of this order, and so continue the like payment quarterly till the sume of one hundred and fifty pounds be pajd, or else execution shall be granted against the ground *and housing lived in.

[*410.]

Courts judgment inter Lord & Bishop.

In the case of Robert Lord, marshall, by petition, plaintiff, against Samuel Bishop, deffendant, after the attachment, Courts judgment, & all the evidences in the case produced were read & considered, the Court declard they found for the plaintiff reuersion of the former judgment, and that each party beare his oune charges, and each pay thirty shillings for the Courts hearing of the case.

Courts judgment inter Willys & Haugh.

In the case betweene M^r Edward Willis, plain^t, & M^{rs} Ann Haugh, relict & administratrix of M^r Samuel Haugh, of Boston, deceased, defendt, this Court, finding the execution served by way of extent on the estate of sajd Haugh to be without warrant of law, declare the same to be null and voyd; also, that the judgments of Courts on two bonds haue not before now been chancerjed, doe finde for the plaintiff three hundred sixty eight pounds fowerteen shillings and fower pence money, to be levyed vpon any part of that estate, reall or personall, that the sajd Samuel Haugh dyed seized of, this Court, by their order, May 19, 1680, hauing declard that estate lyable to payment of debts.

Courts ans^r to W^m & Anna Hawkins petition, &c.

In ans^r to the petition of Willjam & Anna Hawkins, & on perversall of what evidences in the case were produced, and it not appearing to this Court that all of the claymers to the land mentioned in the petition haue binn legally sumoned, and only one of the persons appearing to make his deffence, the Court judgeth meete to respitt the determination of this case vntill the first Fryday of the next sitting of the Gennerall Court, and that sumons be by sajd Hawkins procured and sent to all persons concerned then to appeare.

Comittee to take the Tres^rs account to be exam^d & retⁿ to be m^d.

Cap^t John Richards, & M^r Nowell, Esq^s, wth M^r Elisha Cooke, Leif^t W^m Johnson, Cap^t Elisha Hutchinson, Cap^t Richard Sprague, are appointed a comittee to examine the Treasurers account, and to make retⁿ thereof to

the next sitting of this Generall Court, Cap^t Richards to appoint the tyme of meeting. 1683.

10 October.

In answer to the petitions of Nathaniel Bishop, Samuel Norden, Cleoment Grosse, & Susanna Woolfe, this Court doth order, that they be freed from their present imprisonment, any law to the contrary notwithstanding.

*For the defraying of country charges, it is ordered by this Court and the authority thereof, that there shall be two single country rates for this present yeare, one whereof to be paid in country pay, according to law, at these prizes following, viz^t, wheat at five shillings p bussell, Indian corne at three shillings, rye at three shillings sixe pence, barley & barley mault at fower shillings, & oates at two shillings p bushell, all to be good, well winnowed, and merchantable corne, and the other rate to be paid in money, & whoeuer payes mony instead of corne shall be abated one third; and what is paid on the country rate, except grajne, is to be paid at mony prize, provided that no leane catle & horses be paid for said rates. [*411.] 2 rates for y^e yeare.

In ans^r to the petition of M^r James Allen & Francis Nurse, the Court judges it meet to grant a hearing of the matters therein conteyned on the first Fryday of the next sitting of the Generall Court, at eight of the clocke in the forenoone, and that the secretary, by warrants, signify the same to all persons concerned then to appeare, and attend the issue, and that, in the meane time, neither of the claymers make any strip or wast vpon the land in controuersy, and that execution for the judgment of the last Court of Assistants referring to this case be respitted. Ans^r to M^r Allen & Nurse his petition.

In ans^r to the petition of Cap^t Willjam Torrey, the Court grants the peti^cioner, y^e five hundred acres of land, in any vacant place. Ans^r to Cap^t Torreys peti^cion.

In ans^r to the peti^cion of seüll inhabitants wthin the bounds of Cambridge, the Court respitts the consideration of this case till the first Tuesday after the next election. Ans^r to Cambridge inhabitants peti^cion.

Jonas Clark, of Cambridge, his farme of three hundred acres, neare Dunstable l^jne, on y^e east side of Merremack, lajd out the 6 8th ð, 1682, by Jonathan Danforth, surveyor, ^{scale 1:50 pol} ^{at ft m.}, runing west 39 deg^r two hundred thirty eight pole to a corner, a litle red oake standing south 51 deg^r east two hundred & two pole to y^e corner, where two pines & stones, the north line 39 deg^r east two hundred thirty & eight pole to y^e corner, a pjne north 51 deg^r west two hundred & two pole to y^e corner, where a litle pine is.

*On a further motion made, this Court doth approve of the returne herevnto annexed, confirming said lands to the heires of Theophilus Eaton, Esq^r, deceased, according to the grant made thereof by the Generall Court, 19th May, 1680, five hundred acres, lajd out by John Heynes, wthin these heires. [*412.] M^r Jones 500 ac^r lajd out to Theo^r Eatons heires.

1683.

10 October.

ljnes: the first ljne S. S. east one mile, the second ljne west S. west 180 pole, the 3 line noŕ noŕ west two hundred & forty rod, the 4 ljne runs west one mile, the 5 line forty rod N., the 6th ljne one hundred rod north east, seventh ljne east noŕ east one hundred rod, the 8th line east S. east one hundred & eighty rod.

Ans^r to W^m
Naffs petiçon.

In ans^r to the petition of Willjam Naffe, of Hauerill, administrato^r to the estate of Thomas DAVIS, adfñ grand father, the Court grants the petitioner liberty to sell so much land as may attayne the ends proposed, provided the honnord Major Saltingstall & Leif^t Georg Broune, of Hauerill, examine how much is necessaŕ to be disposed of, and that they both concurr in the sale thereof.

Ans^r to Jabez
Musgraves pet.

In ans^r to the petiçon of Jabez Musgrauc, of Newbery, the Court judgeth it meet to allow the petiçoner twenty shillings p annũ out of the publick treasury, in rate pay, besides what the toune of Newbery shall contribute to his necessity, & this during the Courts pleasure.

Tresurer to pay
M^r Seawall 10^{li}
17^s.

It is ordered, that the Tresurer of the country, as soone as can, satisfy & pay in mony to M^r Samuel Seawall tenn pounds seventeen shillings, for printing M^r Samuel Torreys sermon at the last election.

Courts gr^t of
1000 ac^{res} to Pe-
ter Bulkley,
Esq^r.

This Court doe grant to Peter Bulkley, Esq^r, one thousand acres of land in any place free from former grants, where it may not obstruct the being of a plantation.

M^r Jn^o Gore
a surveyor.

M^r John Gore is nominated & approved of to be a surveyo^r of land for laying out the grants of this Court, he taking his oath in that case provided.

500 ac^{res} gr^ted to
Edw^d Rawson.

In answer to a motion made, the Court doe grant to M^r Edward Rawson five hundred acres of land, to be lajd out in any free place, not prejudicing any plantation.

Ans^r to Phœbe
Blantis peti-
çon.

In ans^r to the petition of Phebe Blantin, the Court sees no cause to make any alteration of hir late husbands will.

[*413.]

Ans^r to Cap^t
Claps petiçon
as to y^e Castle.

*In answer to the petition of Cap^t Roger Clap, captaine of the Castle, it is ordered, that Captaine Elisha Hutchinson, Cap^t John Faireweather, & Cap^t Ephraim Sauage be added vnto the comiçtee for the ouersight of the repajres of the Castle, and that y^e country Treasurer make payment of what shall be judged necessary by the sajd comiçtee, or any three of them, either for procuring materialls or payment of workmen.

Troope of hors
milit. officers.

It is ordered, that leiftenñt be captaine of the troope of horse, M^r Timothy Dwight leiftenñt, and Thomas Swift cornet of the troope of horse in Boston, & M^r John Vsher quarter master.

Jn^o Rich^{ds}
sarj. major.

It is ordered, that Jn^o Richards, Esq^r, be sarj^t major of y^e regiment in Boston.

1683.

10 October.

Dani. Turell
cap^t, &c.Jn^s Wyng cap^t.

It is ordered, that Leuten^t Daniel Turell be captaine of the foote company lately vnder the comand of Major & Cap^t Thomas Clarke, M^r John Olliner to be his leiften^{nt}, & Sarjant Jn^s Moore to be his ensigne.

It is ordered, that Leften^{nt} Jn^s Wyng be captaine of y^e ffoot company late vnder y^e comand of Cap^t Daniel Hinchman, Isack Walker to be his leiften^{nt}, & M^r Francis Foxcraft to be ensigne.

It is ordered, that M^r Tymothy Prout be captaine of all the fortifications, gunners, & moutrosses in Boston, & great artillery thereto belonging, and that he be added to the comittee of militia in Boston.

It is ordered, that Cap^t Jn^s Apleton be cap^t of Ipswich troope of horse, M^r John Whiple to be his leiften^{nt}, & M^r Thomas Wade his cornett.

Com^l. issued
out. officers to
Ipswich troop.

It is ordered, that Bartholmew Gidney, Esq^r, be captaine of the ffoot company late vnder the comand of Cap^t John Corwin, deceased, y^t Israell Porter be his leiften^{nt}, & Jn^s Marston to be his ensigne.

Salem officer to
y^rir ffoot company.

It is ordered, that Thomas Fiske be captaine of the ffoot company at Wenham, Charles Gott be his leiften^{nt}, & W^m Fiske his ensigne.

Wenham officers.

*M^r W^m Broune, Juⁿ, hereto chosen captaine of the troope of horse in & about Salem, hauing absolutely declined to accept of that office, manifesting the same in his letter to y^e major gennerall, the Court doth therefore choose & appoint M^r John Higginson, Juⁿ, to be captaine of Salem troope, & M^r Thomas Gardiner to be his leif^t. And it is ordered, that Cap^t Higginson haue the like liberty to lyst souldjers to fill vp his troope, as was formerly ordered by this Court for Cap^t Broune.

[*414.]

Jn^s Higginson,
Jun., cap^t of
Salem troop.

It is ordered, that Major Robert Pike shall haue comission for captaine of the troope, or remainder of the troop, on the north side of Merrimack, belonging to the toune of Salisbury, and Amesbury, & Hauerill, and that he may fill vp his troope, not exceeding the number of forty eight souldjers, according to y^e direction of law.

Major Pike
cap^t of y^e troop
on north side
of Merri-
macke.

It is ordered, that Thomas Chandler be leften^{nt} to y^e ffoot company in Andiu^r, John Steephens ensigne, vnder the conduct of Dudley Bradstreet, cap^t.

Andiu^r mili-
tary officers.

It is ordered, that Jn^s Legg be leiften^{nt}, & Erasmus Steephens ensigne of y^e ffoote company at Marblehead, vnder Samuel Ward, cap^t.

Marblehead of-
ficers.

It is ordered, that Jonathan Danforth be captaine of the ffoote comp^a at Billirrica, Joseph Thompson leifte^{nt}, & Ralph Hill ensigne.

Billirrica offi-
cers.

John Fiske is appointed ensigne to the ffoot company at Chelmsford.

Jn^s Fiske en-
signe.

1683. **Att a Gennerall Court called to sitt in Boston, 7th November, 1683,*
 by order from the Gouno^r & Magests, mett in Boston, & then
 satt.

7 November.

[*416.]

PRESENT,	Symon Bradstreet, Esq ^r , Goû,	
	Thō Danforth, Esq ^r , Dep ^t Goû,	
	Daniel Gookin,	} Esq ^r s.
	W ^m Stoughton,	
	Joseph Dudley,	
	Peter Bulkley,	
	Nathān Saltonstall,	
	W ^m Broune, Jr,	
	Jn ^o Richards,	
	James Russell,	
	Bartho ^t Gidney,	
	Sa ^m Apleton,	
	Robert Pyke,	
	John Woodbridge,	

Names of the deputjes returnd to serve at this Court were,—

M^r Edmōd Batter, M^r Heñ Bartholmew, Salē.

Cap^t Riēd Sprague, Leif^t Jn^o Phillips, Charls T.

M^r W^m Sumner, M^r James Blake, Dorches^t.

M^r Anthō Stoddard, M^r Elisha Cooke, Cap^t Elisha Hutchinson, Boston.

M^r Edw^d Morrice, M^r Joseph Griggs, Roxbury.

M^r Symon Stone, M^r Thomas Fox, Water T.

Leif^t Edw^d Winship, Camb^r.

M^r Andrew Mansfeild, Lynn.

M^r W^m Goodhue, Leif^t Thō Burnham, Ipswich.

Cap^t Danī Pearse, Newbery.

Cap^t W^m Torrey, Cap^t Jn^o Holbrook, Weymō.

Cap^t Jn^o Smith, M^r Nath Beales, Hinghm.

M^r Edw^d Oakes, Concord.

M^r Jn^o Aldis, Leif^t Nath Sternes, Dedham.

M^r Jn^o Heynes, Sudury.

M^r Sa^m Tompson, Braintry.

Leif^t W^m Johnson, Maldn.

Ensigne Ja: Convers, ^ .

M^r Jn^o Thirston, Medf.

Capť Jn^o Wayt, Maulden.
 M^r John Pearson, Rowley..
 M^r W^m Blake, Milton.
 Leifť Thō Baker, Topsfī^d.
 M^r Joseph Rice, Marlboř.
 Lefť Jn^o Dodge, Beūly.
 M^r James Steevens, Gloster.
 Lefť Georg Broun, Hauerill.
 Capť Jn^o Hinchman, Chelmsfō.
 M^r Medad Pomery, North.
 M^r Heñ Phillips, M^r Sañ Patrige, Hadley.
 Capť Dudley Bradstreet, Anduer.
 M^r Sañ Sewall, Westfeild.
 Capť Jamě Parker, Groaten.
 Enš Hannaniah Parker, Reddng.
 Capť Thō Fiske, . — 47.

1683.

7 November.

M^r Elisha Cooke was chosen Speaker y^s session.

AT the opening of this Court the Governo^r acquainted the Court, that since the last sitting of this Court Edward Randolph, Esq^p, arrived, & had presented him wth his maj^{ties} councils act, & his maj^{ties} declaration & proclamation, wth the quo warranto y^t was issued out ag^t the Goūno^r & Company, &c, w^{ch} was, —

Carolus Sēdus, Dej grā Angł, Sco^e, Franč, & Hībnia, Rex, Fidej Defenso^r,
 řč, viřib₃ London, salřm p^recipim & voř q^d venire fa^c corā noř a dje in Michiř
 in tres sepřm, vbicuncq tunc fuiřm in Angł, Symon Bradstreet, nup de Lon-
 don, Ař, Thomā Danforth, de eađm, Ař, Daniel Gookin, de eađm, Ař, Johem
 Pinchen, de eađm, Ař, Willjam Stoughton, de eađm, Ař, Petrū Bulkley, de eađm,
 Ař, Nathaniel Saltenstall, de eađm, Ař, Humfrid Davy, de eađm, Ař, Willī
 Broune, de eađm, Ař, Samueł Nowell, de eađm, Ař, Johem Hull, de eađm, Ař,
 Jacobū Russell, de eađm, Ař, Petrū Tylton, de eađm, Ař, Bartholō Gidney, de
 eađm, Ař, Samueł Apleton, de eađm, Ař, Robertū Pyke, de eađm, Ař, Daniel
 Fisher, de , yeořm, Johem Wajte, de eađm, yeořm, Wjłřm Johnson, de eađm,
 yeořm, Edřm Quinsey, de eađm, yeořm, Elisha Cooke, de eađm, Geñ, Elisha
 Hutchinson, de eađm, mercatoř, Edřm Batter, de eađm, yeořm, Laurentiū
 Hamond, de eađm, yeořm, Josephū Dudley, de eađm, Ař, Johem Richards, de
 eađm, Ař, Williā Torrey, de eađm, yeořm, Johem Faireweather, de eađm, yeořm,

1683. Anthony Stodder, de eađm, yeođm, & Daneł Turell, Seđn, de eađm, nigř
 7 November. fferrař, ad respondendđ nob quo warranto clamat here, vtj et gaudere diűes
 libertař, priuileğ et franchises infra ciuiř London, & libtař ejusđm ac in omibz
 locis extra ciuiř London přđ, infra hoc regđ Angł, nec non in qua pluř
 partibz trńsmařm, extra hoc regđ Angł unde impetit sunt es'heat ibi hoc brě.

THOMA JONES, miř apud Westđm, xxvij die Junij, ann^o regni
 nři xxxv.

ASTRY.

Vera copea exajat, 9^o dje Julj, 1683.

RI: NORMANSELL, Secondarű vič London.

& y^e same in English.

At the Court at White Hall, the 20th of July, 1683.

PRESENT,	The Kings most excellent Majesty,
	Lord Arch Bishop of Canterbury, Earle of Bath,
	Lord Keeper, Earle of Craven,
	Lord President, Earle of Aylesbury,
	Lord Privy Seale, Earle of Conway,
	Duke of Ormond, Viscount Faulconbridge,
	Duke of Albemarle, Lord Bishop of London,
	Earle of Peterborough, Lord Dartmouth,
	Earle of Sunderland, M ^r Chancellor of the Exchequer,
	Earle of Clarendon, M ^r Chancellor of the Duchy.

[*417.] *The right honno^{ble} the lords of the cođittee for trade and foreigne
 plantations hauing this day presented to the board a report concerning New
 England, together with the draught of a declaration from his maj^{ty} to the
 Gořno^r & Company of the Massachusets Bay, vpon issuing a quo-warranto
 against the charter of that colony, and the sajd report and declaration being
 read and considered at the boards, it was ordered, as it is hereby ordered, that
 M^r Edward Randolph be sent to New England with the notification of the
 sajd quo waranto, which he is to deliuer to the sajd Gouverno^r and Com-
 pany of the Massachusets Bay, and therevpon to returne to giue his maj^{ty} an
 account of his proceedings therein ; and one of his majestjes principall secre-
 tarys of state is likewise to prepare the sajd declaration for his majesties sig-
 nature ; and in order to be sent to New England and deliuered to the Gořno^r
 and Company by the sajd Edward Randolph, two hundred copies of all the
 proceedings at the council board concerning the charter of London, which

were printed by order of his maj^y at this board, to be dispersed by him in New England, as he shall thinke best for his majesties service.

1683.

PHIL: LLOYD.

7 November.

Charles R.

Charles the Second, by the grace of God King of England, Scotland, Fraunce, & Ireland, Defender of the Faith, &c, to all to whom these presents shall come or may in any wise concerne, greeting. Although wee haue thought fit to issue our writ of quo warranto against the charter and priuiledges claymed by the Gou^rno^r and Company of the Massachusetts Bay in New England, by reason of some crjmes and misdemeano^s by them comitted, yet our will and pleasure is, and wee doe hereby declare, that the privat interests and proprietjes of all persons within that our colony shall be continued and preserued to them, so that no man shall receive any prejudice in his *ffree* *ffreehold or estate; and that, in case the said corporation of the Massachusetts Bay shall, before further prosecution had vpon the sajd quo warranto, make a full submission and entire resignation to our pleasure, wee will then regulate their charter in such manner as shall be for our service and the good of that our colony, without any other alterations then such as wee shall find necessary for the better support of our gouernment there. And wee doe hereby further declare and direct, that all those persons who are questioned in or by the sajd quo warranto, and shall goe about to mainteyne the suite against us, shall make their defence at their oune particullar charge, wthout any help by, or spending any part of, the publick stock of our sajd colony; and that as well those that are not freemen as such as are willing to submit to our pleasure shallbe discharged from all rates, levjes, and contributions towards the expence of the sajd suite, both in their persons and estates. And our further pleasure is, that this our royall declaration be published within our sajd colony, that none may pretend ignorance hereof. Given vnder our signet and royall sign manuall, at our court at Whitehall, the 26th day of July, 1683, in the fve & thirtjeth yeare of our reigne.

His maj^y declaration or proclamation.

[*418.]

W^{as} was don by being posted on y^e Exchange.

By his majestjes comānd, &c. L. JENKINS.

London, & was printed, &c.

The Court satte dje in p diem on the consideration of the weighty matters y^t were presented before them.

5 December.

[*419.]

*Know all men by these presents, that wee, the Gouerno^r and Company of the Massachusetts Bay in New England, in Amerrica, haue constituted,

Courts letter of attorney to Robert Hum-freys, Esq^r.

1683.

6 December.

Seale of
the Colony
affixt.

and in our place and stead put, and by these presents doe constitute, and in our place and stead put, our well beloved freind, Robert Humfreys, Esq^r, of the Inner Temple of London, to be our true and lawfull attorney for us, and in our names and stead to appeare, make answer, and defend for us, and in our names, to a certeine writt of venire facias, issued out of his majties Court of Kings Bench at Westminster, beareing teste the 27th of June last past, directed to the sherrife of London, and returnable tres Michis following, comāding the said Governo^r, & Assistants, & seuerall of the ffreemen, by name, then to appeare before his majty where euer he should be in England, to answer to his majty by what warrant they clajmed to haue, vse, and enjoy diuers libertjes, priuiledges, and franchises within the city of London and libertyes thereof, and in all places without the said city, within his majties kingdome of England, as also in many partes beyond the sees, out of the kingdome of England, whereof they stand impeacht; and to doe, execute, performe, and finish for us, and in our names, all and singular thing & things which shall be expedient and necessary in, about, for, touching, or concerning the said writt, or any proceedings therevpon had or to be had, or any of them, as thoroughly and wholly as wee, the said Gou^rno^r & Company, might or could doe in or about the same, being personally present. And whatsoever our said attorney shall doe or cause to be don in, about, or concerning the premisses, wee, the said Governo^r and Company, doe and shall rattify, confirme, and allow as fully and amply as if wee were present and did the same. In witness whereof, wee, the said Gou^rno^r & Company, haue herevnto affixt our comon seale, this fifth day of December, in the thirty fifth yeare of the reigne of our most gracious lord, King Charls the Second, annoq^{ue} Domini one thousand sixe hundred and eighty three.

EDWARD^s RAWSON, Secre^t.In the name & by order of y^e Go^vl & Comp^a of y^e Massachusetts.[*420.] *M^r Humfreys: —

The assurance that our agents haue at all times given us of your ability & faithfullness hath made us to resolute to giue you the further trouble of an attorneyship in an vnhappy tryall of the quo warranto late issued out against us.

Wee take not this course in law of chojce, but of meere necessity, to saue a default & outlawry for the present. Vntill, if it be possible, wee can finde meanes, by an humble aplication, to sattisfy his majesty, be sure yow enter-tyne the best counsell possible, and gaine what time may be had, cunctando restituere rem, and that a better day may shine vpon us.

Assure yourself, s^r, wee shallbe sensible of the vnacceptable service wee doe hereby impose vpon yow; therefore shall by no meanes be wanting to supply yow, being confident yow will not put us to greater expence then is absolutely necessary; and in advance towards your accompts, wee haue ordered M^r John Iue to present wth fuetty pounds; & are

S^r, your friends & servants.

EDWARD RAWSON, Secre^t.

In the name & by order of the Gou^rno^r & Company of y^e Massachusets in New England.

Boston, in New England, 5th Decemb^r, 1683.

S^r:—

As an addition to the letter of advice, it is thought necessary that there be a plea made to the jurisdiction of the Court.

Whither a charter, & priuiledges granted thereby, being excercised in America, can be tryed in a Court in England; or by what authority the sheriffs of London serve a writt on persons who neuer were inhabitants there; and particullar persons are only mentioned in the writt, whereas wee are to sue and to be sued by the name of the Gouerno^r & Company; also, the writt was not served on the persons concernd vntill the time of appearance was past, and not served on our agents in England, nor any copy left wth them by the secondary. Wee haue herewith sent the writt & notification from sajd secondary, which is all wee haue received, that yow may know if it be a legall su^mons.

The coppys of his maj^{ty}s declaration were not deliuered to vs by M^r Edward Randolph till November twenty first, and *so haue not had an oppertunity to publish them to the inhabitants; to all which may be added, that a representation be made how that his maj^{ty}s subjects, our predecesso^rs, transported themselues hither, settled and deffended themselues heere at their oune costs & charge, many of them leaving large accomodations in England, for an vncerteine settlement in this wilderness, confidently relying on the security given them by our charter for the enjoyment of the priuiledges therein conteyned.

All which is, by like order, signed, as by letter of advice,

S^r, by your freinds & servants.

EDWARD RAWSON, Secre^t.

In y^e name & by order, &c.

Boston, in New England, 5th December, 1683.

& was directed, —

These for Robert Humpfreys, Esq^r, at his chamber in y^e Kings Bench Buildings, in y^e Inner Temple, be dd in London.

1683.

5 December.
Law as to
building wth
stone or brick
on penalty of
100^l, &c.

This Court, being sencible of the great ruines in Boston by fire at sundry times, & hazards still of the same, by reason of the joyning & nearness of buildings, for the prevention of damage & losse thereby for the future, doe order & enact, that henceforth no dwelling house, warehouse, shop, barne, stable, or any other building, shallbe erected & set vp in Boston except of stone or bricke, and couered with slate or tyle, on penalty of forfeiting one hundred pounds in money to the vse of the said toun for euery house built otherwise, vnless by allowance & liberty obteyned from this Court, from time to time; and the constables and grand jurymen of the said toun are to take care for the execution of this order, and present the breach thereof to the County Court of Suffolke, that persons transgressing maybe proceeded with accordingly; and further, the selectmen of Boston are heereby impowred to heare and determine all controuersies relating to the boundarjes of the lands of such persons whose houses haue binn burnt doune in the late fiers, liberty of appeales to the County Court being allowed to any person agreede; and the law, title New Buildings in Boston, made the 15th of October, 1679, is hereby repealed respecting buildings to be erected.

[*422.]

Order for addition
of halfe a
rate.

*It is ordered, that for the payment of our just debts, there be halfe a single country rate in mony added to the former two rates passed in October last, and that the Tresurer issue out his warrants accordingly for the same forthwith.

Ans^r to Rox-
bury petition.

In answer to the petition of W^m Parkes, John Bowles, Joseph Griggs, John Ruggles, & Edward Morris, selectmen of Roxbury, & in their behalfe, dated October y^e 10th & 17th, 1683, for a tract of land for a village, to be lajd out about Quateseck, to the quantity of seven miles square, the Court grants theire request, provided that the grants to Majo^r Thompson, M^r Stoughton, M^r Dudley, & Company, haue the first choyce, they making their choyce before the tenth of June next, and prouided that thirty familjes be settled on said plantation within three yeares of that time, and mainteyne amongst them an able, orthodox, godly minster.

50th gr^{ted} to M^r
John Richards.

Ans^r to M^r
Whartons pe-
tition, comitteo
appointed to
lay out his 1000
ac^{rs}.

M^r Sam. Sea-
wall capt of y^e
late Cap^t Hulls
compa^y, The-
ophi. Frary
leift^{nt}, Asaph
Elljot ensigne.

It is ordered by this Court, that the Treasurer of the country pay vnto M^r John Richards, on accompt of his service for the country in England, fiuety pounds in money out of the last rates.

In answer to the peti^{tion} of M^r Richard Wharton, to the end the petitioners former grant of one thousand acres of land granted to him maybe made effectuell, this Court doth order, that Cap^t Edward Tyng, M^r James Andrews, M^r George Peirson, Cap^t Bracket, & M^r Silvanus Dauis, or any three of them, lay out said land and make returne.

Vpon complaint of Leiftenūt Frary, that their company is vnder much

discouragement, by reason of the remooving of M^r Sewall from them to command another company, & other inconveniences arising thereby, this Court judgeth it meete to recall that former order, & doe appoint M^r Samuel Seawall capitaine of that company belonging to Capt^t John Hull, and M^r Frary to remaine leiftenūt of that company as formerly. M^r Asaph Elljot is appointed by this Court to be ensigne of the south company in Boston.

1683.

5 December.

In answer to the petition of M^r John Gifford, the Court judge it meet to grant the petitioner a hearing of his case mentioned therein at the next Court to be held in the county of Essex, by way of releife, & to have liberty to try the action in forma pauperis.

Courts answer to
M^r John Gifford's petition.

*2. In answer to the petition of M^{rs} Judith Hull, & M^r Samuel Seawall, administratrix & administrator to the estate of the late John Hull, Esq^r, some times Treasurer, deceased, his estate craving this Courts favour to order a committee to perfect what is wanting as to the accounts betweene him & the country, it is ordered, that W^m Stoughton, Esq^r, & Joseph Dudley, Esq^r, wth Capt^t Elisha Hutchinson, Capt^t Richard Spague, & Leftenūt W^m Johnson be a committee to put an issue thereto, & present the same to the next Court of Election for confirmation, or sooner, if it may be.

[*423.]

Committee on
M^{rs} Hulls & M^r
Seawalls petition.

The petition was, & should have binn first entred.

1. To the honored Generall Court, sitting in Boston, 7th November, 1683, the petition of Judith Hull, & Samuel Seawall, administrators of the estate of the late John Hull, Esq^r, sometime Treasurer, deceased, —

M^{rs} Judith
Hull & M^r
Sam. Seawalls
petition.

Humbly sheweth, —

That whilst the said M^r Hull served the country in that office or employment as Treasurer for the warr, and Treasurer of the country, he did in the respective yeares from Septemb^r, 1678, to October, 1680, draw vp seuerall accompts of ballance, in order to the passing his accompts, but by reason of the other weighty affaires of y^e country was deferred from Court to Court vntill the said accompt hath amounted to a very great sume, of w^{ch} he could not obteyne a setlement in his lifetime. How faithfully he approoved himself, & ready to serve the country, both with his estate and in person, is well knoue to many, & laboured vnder the weight of this accompt wth his oune hand vntill weakness of body & y^e bulke thereof necessitated him to take in Cap^{tn} Daniel Henschman to his assistance, the accompt being of such a nature, & so vast, as could not be carried on but by keeping accompt of specjes, (there being about twelue thousand debenters, orders, & other accounts and papers filed,) and besides his oune paynes, one of his relations and two of his apprentices did labour much in this service, for all which he hath not charged one

1683.

5 December.

[*424.]

penny; that he was all along many hundred pounds out of his oune estate for the supply of the country, in their streights by danger at home, & occasions of agency in England, and did preserve their credit by his taking vp and engaging for considerable sumes on their behalfe, besides his oune disbursments, to the lessning of his trade, as is apparent. *He hath given the country credit for all their rates, though much standing out to this day, and no effectuall way for the gathering them in without trouble & charge. By his last accompt he had aboue seventeene hundred pounds due to him from the country, and charged but fower hundred twenty five pounds fueteen shillings & fower pence interest for his oune disburssts and long forbearance, w^{ch}, if it had binn many hundreds more, would not haue compensated his damage. What he hath recejved of M^r Russell, w^{ch} went to pay debts, there being great sumes owing by the country, is in an accompt supplementall to the last herewith presented, and therein incerted what erro's haue binn found by those gentlemen appointed to examine the same, as also by Cap^t Henchman, there being as well vnder as ouercharged, some acco's misplaced, & some debts to persons, w^{ch} are found not payable by the country but the county of York. There is also an additionall accompt drawing vp of what receipts and payments haue been since the accompt given in, which will shortly be made vp. The premisses considered, your petitioners humbly pray that this honno'd Court would please to order the passing the sajd accompts, that a transaction of so great a sume as fuety two thousand five hundred pounds may not be vnsetled, & to take effectuall care for payment of the ballance. And, as in duty bound, shall pray, &c,

SAMUEL SEAWALL.

Co^mmittees re-
turne.

3. The petition of Judith Hull & Samuel Seawall, administrato's of y^e estate of y^e late Jn^o Hull, Esq^r, wth y^e accounts annexed, (w^{ch} are on file,) were deliuered to the co^mittee, who, after their pervsall, made their returne on the ffoot of sajd accompts, & were by them signed, & deliuered into y^e Court, & was, —

[*425.]

Wee, vnder written, a co^mittee of the Generall Court for the inspection and issue of the late Cap^t Hulls accompts, doe finde by the ballance aboue that there is five hundred forty five pounds three shillings ten pence halfe penny due from the country to the said Cap^t Hull, whereof fower hundred was taken vp of Cap^t John Phillips, of Charls Toune, at interest, and is still due *vnto him. For a finall issue of sajd account, wth the consent of the administrato's of the sajd Cap^t Hull, wee doe propound that the Court forthwith

order the payment of said fower hundred pounds to Captⁿ Phillips, with the interest, & pay to the said administrato^rs fifty pounds money in full, and that the administrato^rs be finally hereby discharged from the said accounts.

November 27, 1683.

Signed,

WILLJAM STOUGHTON,
JOSEPH DUDLEY,
RICHARD SPRAGUE,
ELISHA HUTCHINSON,
WILLJAM JOHNSON.

1683.

5 Decem^r. 1683.

The Court approves of this returne of y^e com^{it}tee.

As attests

EDWARD RAWSON, Secr^t.

Courts appro-
bation.

*Warrants issued out by order of y^e Court to sum^{on} & giue notice to M^r Zerubbabel Endicot of the Gennerall Courts appointment for the hearing of the case lately tryed at Salem Court & Court of Assistants, betweene him & Francis Nurse, w^{ch} the Court in October last ordered it to be heard at y^e Court, in ans^r to his & M^r Allens peti^{ti}on, & y^t he appeares and attend his concernes at the time accordingly. Y^e sum^{on}s was served, & returne made y^e same day, that M^r Endicot was sick in bed, & y^t on oath; Francis Nurse tendered his oath, y^t M^r Endecot affirmed, that were he well & his attorney at home, he would not haue appeared. On the Courts hearing of w^t was returnd & said, the case proceeded, and after the whole case & all the evidences were heard & considered of, did judge that the l^{ines} runne and returned by the last com^{it}tee of this Court, vnder their hands, dated November the 18th, 1681, to be the bounds of M^r Allens farme in controuersy, according to the former judgment of this Court.

Courts judg-
ment in Fran-
cis Nurse, M^r
Allen, & M^r
Endecotts
case, 24 No-
vember, 1683.

28 November,
1683.

*This Court, hauing appointed a hearing of the case betweene M^r Zerubbabell Endecot & M^r James Allen, w^{ch} the more publicke & momentous occasions haue obstructed, doe appoint Wednesday the 28th of this moneth, at one of the clocke, for hearing & finall determination of the same, and the partjes concerned are ordered to haue notice, & appeare accordingly, & execution of former judgment in the meane time is hereby respitted.

This should
have bin first
entred.

In answer to the peti^{ti}on of James Russell, Esq^r, Treasurer, humbly desiring that as he hath given into this Court formerly his late honored ffathers acco^{ts}, y^e late Richard Russell, Esq^r, his acco^{ts} to value of eighteen thousand pounds at least, & hauing served the country in that office since, & given in his accounts to the honored com^{it}tee of this Court, to value of aboue ffueteene thousand pounds, that he hath payd and received for this country,

Ans^r to James
Russell, Esq^r,
Tre^r, his mo-
tion, &c.

1683. considering the many changes that haue hapned, &c, his humble *request to
 5 December. this Court is, that the comitte that persved his accompts may be impowred to
 [*426.] giue him a discharge in the behalfe of his honnoured father & himself, till
 the ffoote of his last accompt, the Court judgeth it meet to grant his request,
 & orders that the seale of the country be affixed to the discharge in this case,
 as also to that of M^r Judith Hull & M^r Samuel Seawalls case.

In ans^r to the petition of M^r Jonathan Tyng, the Court judgeth it
 to grant the island in Merrimacke Riuer called Weikeset to him, the petiçõner,
 in full of all accounts, provided the sajd island belong to no other person,
 English or Indean, by any former title.

1683-4. *Att a Gennerall Court, held at Boston, on adjournment, 13th
 13 February. February, 1683.
 [*427.]

PRESENT, Symon Bradstreet, Esq̃, Goũ,
 Thomas Danforth, Esq̃, Dep^t Gõ,
 Daniel Gookin,
 W^m Stoughton, 16,
 Joseph Dudley, 16,
 Peter Bulkley,
 Humphry Davy,
 Jn^o Richards,
 James Russell,
 Sa^m Nowell,
 Barthõ Gedney,
 Samuel Apleton,
 Robert Pyke,

} Esq̃s.

Courts letter to
 M^r Rob^t Hum-
 freys.

S^R:—
 By M^r Boylston, who sajd henc in December last, wee wrote to yow,
 & sent to yow a letter of attorney, impowring you to appeare for vs in West-
 minster Hall, & to answer what shall be lajd to our charge in the prosecution
 had vpon the quo warranto issued against vs. Duplicates wee herewith trans-
 mitt vnto yow, least any miscarriage should hapnen. Your long acquaintance
 with the affajres of this colony, by the papers in your hands, & otherwayes,
 did then, and still doth excuse vs from giving yow the trouble of long infor-
 mations & instructions in this matter; & the encouragement wee had vpon the

experience of your prudence & diligence to expose such a trust in yow does giue us assurance that yow will leaue no stone vnturn'd that may be for the service, either in the case itselfe or the spinning out the time as much as possibly may be. Wee haue no new thing to acquaint yow with, hauing come to no other resolues amongst ourselues then before. Wee shall not faile to lett yow heare from us by euery oppertunity, and desire that you will omit none in giving us advice how our case stands. Wee haue only to add, that wee hauing taken further order for your supply wth M^r Jn^o Iues, merchant, in London, not doubting but yow will obserue our direction in that point, to make the suite as litle chargeable to us as maybe. Co^mitting yow & our concernes wth yow in the mannagement & issue thereof to the soueraign Disposer of all humajne affajres, wee remajne, s^r,

Your freinds & servants.

EDWARD RAWSON, Secre^t.

In the name & by order of the Go^uno^r & Comp^s of the Massachussets in New England.

1683-4.

13 February.

*In answer to the petition of John Vyall, humbly desiring this Courts [^{*428.}] favour to grant him liberty to build his brew house wth timber vpon his wharfe next the sea, for the grounds & reasons mentioned in his peti^{ti}on, the Court grants his request, provided it be couered wth slate or tyle.

Ans^r to Jn^o Vyalls peti-
tion.

It is ordered, that Majo^r Saltonstall, wth the deputy of Newbery, take care forthwith to make diuision of the souldjers of Newbery into two comp^{an}ies, in as æquall a manner as they can, and that Cap^t Peirce & his co^mission officers shall haue the first choyce.

Newbery com-
panys to be di-
uided.

In ans^r to the petition of Jarvis Ballard, humbly desiring the favo^r of this Court to grant him liberty to erect his addition to his house of tymber, for y^e reasons therein rendered, the Court grants his request, provided it be couered wth tyle or slate.

Ans^r to Jervis
Ballard peti-
tion.

In ans^r to the petition of Martha Dady, executrix to the last will of hir late husband, the Court judges it meet to referr the consideration & determination of what is necessary to be donne therein to the County Court in Middlesex.

Ans^r to Martha
Dady peti^{ti}on.

In ans^r to the peti^{ti}on of John White, humbly desiring the favour of this Court to grant him liberty to erect his frame ouer his sellar at y^e north end of Boston, being agreed for long before y^e late law, the Court grants his request, provided it be couered wth tyle or slate.

Ans^r to Jn^o Whites peti-
ti^on.

In ans^r to the petition of M^r Sampson Sheafe, humbly desiring the favour of this Court to grant him the liberty to erect a tyme building ouer a cellar

Ans^r to M^r Sheafs peti-
tion.

1683-4. of his, long since fitt for such an end, at the south end of the Comon, relating to a sugar worke intended for refining of sugar, &c, the Court grants his request.
13 February.

Officers to
Newbery & Row-
ley troope.

The Court, considering that the troope belonging to Newbery & Rowley is not yet compleated with comission officers, doe therefore appoint Mr Richard Dumer capitaine, Thomas Lambert left, & Henry Short cornet of sd troope.

James Hill
capt, Jnth.
Bridg^m left, Jo-
seph Bridg^m
ens.

This Court haue chosen & doe appoint James Hill capitaine, Jonathan Bridgham leftenūt, & Joseph Bridgam ensigne of the floote company late vnder the comand of Capt^m John Walley.

[*429.]

10th to be
poured & sent
to Mr Jn^o Ives
for y^e countrys
service.

*It is ordered, that the country Treasurer, by the next ship, procure one hundred pounds sterling, which shall be put into Mr John Ives his hands, in London, for the service of this colony.

Ans^r to Wren-
thams petiōn,
Left Thirston
added to y^e
cōmittee.

In answer to the petition of the inhabitants of Wēnthams, the Court judgeth it meet to grant this petition, i. e., that Leftenūt Thomas Thirston be added to the cōmittee in the roome of y^e late Capt^m Fisher.

Addition to y^e
law as to brick
building in
Boston.

That, for encouragemēt to build in Boston wth bricke & stone, according to a law made the last session, as an addition to the said law, it is ordered & enacted, that whosoever shall so build shall haue liberty to sett halfe his partition wall in his neyghbours ground, leaving jages in the corners of such walls for the neyghbours to adjoyne their building to; and that, when the same shall be built vnto, the neyghbours adjoyning shall pay halfe the wall so farr as he shall adjoyne; and in case of difference, that the selectmen haue power to appoint persons to make vallation, or lay out the lynes between such neyghbours.

Ans^r to W^m &
Hanna Haw-
kins.

In answer to the petition of Willjam Hawkins & Hannah, his wife, the Court doe appoint the 14th of May next, at nine of the clocke in the morning, for a hearing of the case betwene them & Robert Burnap & his son Thomas, of Redding, & that the secretary give timely notice to all persons concerned then to appeare to attend the issue.

Ans^r to Mr
Wharton & Mr
Whitcombs
pet. relating to
Smiths estate.

In ans^r to the petiōn of Mr James Whetcombe & Mr Richard Wharton, the Court judgeth it meet to referr the consideration of the matter conteyned in their petiōn to the County Court in Boston, who are hereby impowred to send for Michael Smith, administrato^r to y^e estate of the late Jn^o Smith & Sarah, a wife, & the petiōners, and on hearing of them, to determine what they judge just & necessary, either to order the said Michael Smith to giue in sufficient security for the payment of the said fiuetu pounds to the child of the said John Wilmot, or *otherwise sequester so much of the estate of the late

[*430.]

John & Sarah Smith, in his the said Michael Smith, administrator's, hands, 1683-4.
for that end, or otherwise, as they shall see fitt.

In ans^r to the peti^con of M^r John Joyliffe, in the name of the selectmen of Boston, it is ordered, that the selectmen shall haue power to abate the rates of such persons that haue lately suffered by fyer, & disabled to pay their rate, not exceeding twenty five pounds.

In ans^r to the petition of M^r John Gifford, the keeper of the prison is permitted to let the prisoner to goe to p^{ro}secute his action, he giving him sufficient securitie to returne to him & submitt himself a prisoner at the end of the next County Court to be held in Essex, or to satisfy the execution & charges arising thereon, or abide a prisoner at Essex prison, to w^{ch} he was first comitted on the execution by w^{ch} he is a prisoner.

13 February.
Ans^r to Boston
selectmens pe-
ti^con, 20th.

Ans^r to M^r
John Giffords
peti^con.

*By the Go^{vt}no^r & Company of the Massachusetts Bay in New England.

[*431.]

To all to whom these presents shall come and may concerne,
greeting:

16 March.



The Seal.

SYMON BRADSTREET, Gov.

Know yee, that whereas, in answer to the peti^con of M^{rs} Judith Hull, and M^r Samuel Seawall, & Hannah his wife, admin^{str}ato^rs of the estate of John Hull, Esq^r, late of Boston, deceased, sometime Treasurer for the Indean warr, and also Courts dis-charge to M^r Hull, M^r Sewall & his wife, as to Jⁿ Hull, Esq^r, late Treasurer, his transactions, &c.

Treasurer for this colony, exhibbited vnto the Generall Court sitting at Boston the seventh of November, ul^{to}, praying that the accompts of the said John Hull, Esq^r, relating to his transactions in the execution of those offices and trusts might be passed and settled, the said Court was pleased to nominate and appoint the wo^rpf^{ul} W^m Stoughton, and Joseph Dudley, Esq^rs, Cap^t Richard Sprague, Cap^t Elisha Hutchinson, and Leift^{nt} Willjam Johnson a committee to inspect and issue the said accompts, & report the same vnto the Court, which said gentlemen, in pursuance of the said order, vpon perusall of the accompts, returned, they found the ballance due from the country to sd M^r Hull to be five hundred forty five pounds three shilling ten pence halfe penny, whereof fower hundred pounds was taken vp of Captaine John Phillips, of Charls Toune, at interest, and is still due to him; and for a fynall issue of sd accompts, (wth y^e consent of the above named admin^{str}ato^rs,) did propound that the Court forthwth order the payment of sd fower hundred pounds to Cap^t Phillips, with the interest, and to pay to said admin^{str}ato^rs fuetty pounds money, in ffull, and that the admin^{str}ato^rs be finally dischargd from sd accompts. The Court, hauing approved of the returne of sd

1683-4. committee, and the payment of sd money being ordered, now, for the full compleating and perfecting of what remayneth farther to be donn, according to the committees returne, the said Gouverno^r & Company doe, by these presents, fully and absolutely remise, release, discharge, and for euer quitt clajme vnto the sd Judith Hull, Samuel Sewall, *and Hannah his wife, admin^{istrato}'s of the estate of the aboue named John Hull, Esq^r, sometime Treasurer for the warr, and also Treasurer for this colony, them, and each of them, theire & euery of theire heires, execcuto^r's, and admin^{istrato}'s, of and from all debts, sume and sumes of money, reckonings, accompts, receipts, payments, and disbursments had, made, owing, kept, receiued, pajd, lajd out, expended, or in any kinde transacted by the said Hull, any wajes relating vnto the execution of his sd treasure shippe, so farr as concernes the said Gouverno^r & Company, and of and from all actions, suits, judgments, executions, clajmes, & demands whatsoever, to be had, comenced, presented, obteyned, or recouered from or against the estate left by said Hull, or the admin^{istrato}'s thereof aboue named, by the sd Gouverno^r & Company, for or by reason of any matter, cause, or thing whatsoever, from the begining of the world to the day of the date hereof, touching or concerning the same. In testimony whereof, wee haue caused our publicke seale to be herevnto affixed. Dated in Boston, this tenth day of March, 1683. Anoq regni Regis Carolj Secundj, tricesimo sexto, xxxvj^o.

By the Court. EDWARD RAWSON, Secre^t.

This acquittanc & discharge of the Gouverno^r & Company of the Massachusetts Bay in New England to M^{rs} Judith Hull, & Samuel Sewall, & Hannah his wife, their heires, execcuto^r's, & admin^{istrato}'s, &c, stands here thus entred & recorded in the Generall Courts booke of records, from the sixteenth day of March aboue said, 1683, at their requests.

As attests. EDWARD RAWSON, Secre^t.

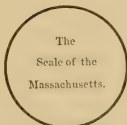
1684.

29 April.

[*433.]

*By the Governo^r & Company of the Massachusetts in New England.

To all to whom these presents shall come and may concerne,
greeting :



SYMON BRADSTREET, Govern^r.

Know y^e, that, whereas, in answer to the petition of James Russell, present Treasurer for the aboue named colony, and execcutor to his honored ffather, Richard Russell, Esq^r, formerly Treasurer, exhibbited vnto the Generall Court, sitting in Boston the seventh of November last, praying that Majo^r John Richards & Samuel Nowell, Esq^r, with M^r Elisha Cooke, Leftⁿ W^m

1684.

20 April.

Johnson, Captⁿ Elisha Hutchinson, and Capt^t Richard Sprague, who were appointed by the aforesajd Genefill Court, sitting at Boston in October last, to examine the sajd Treasur^s accompts, and make returne thereof to the next sessions of the sajd Court, (which was accordingly effected by them,) might be impowred and authorised to give him a ffull discharge in the behalfe of his foresajd father, who was formerly Treasurer for many yeares, whose accompts depending betwixt him and this colony haue binn settled by his executo^rs, with a comitte^e appointed by the Generall Court for that affayre, long since ; also, for the sajd James Russells oune transactions as Treasurer, till the ffoote of his last accompt, dated the 23th of November last, then examined and settled with the abouesajd comitte^e, which requests, as abouesajd, were accordingly granted by the honno^d Generall Court, that the afor^sd parties should give him a discharge as aforesajd, and that the seale of this colony should be affixed to the same ; in compliance wherewith, we, the abouesajd comitte^e, by virtue of the power derived to us from the Generall Court, as by their order of seventh of November last, finding the sajd James Russells accompts adjusted and ballanced till the time abouesajd, *wee doe, by these presents, fully and absolutely remise, release, and foreuer acquitt and discharge the aforesajd Richard Russell, formerly Treasurer of this colony, his heires, executo^rs, & administrato^rs, from all rates, fines, debts, reckonings, accompts, receipts, and other transactions referring to this colony ; and the aforesajd Richard Russell, as Treasurer thereof, and also his son, James Russell, the present Treasurer, who was chosen in the yeare sixteene hundred and eighty, and has since served in that place or trust, whose accompts for three yeares past haue binn examined and adjusted with ourselues and others appointed by the aforesajd Court for that seruice, wee doe, therefore, likewise, by virtue of the aforesajd power derived to vs in the behalfe of the Gouverno^r & Company of this colony, release, acquitt, and discharge the sajd James Russell, the present Treasurer, his heires, executo^rs, and administrato^rs, of and from all rates, fines, imposts, receipts, debts, reconings, and accompts whatsoever transacted by the sajd Russell for this colony since he was Treasurer for the same, till the ffoot of his last accompt, dated as aforesajd, and now reuised by vs, the subscribers heereof, as also from all other transactions relating to the sajd office, and from all actions, suites, judgments, executions, clajmes, & demands whatsoever, to be had, comēced, prosecuted, obteyned, or recouered from or against him or his aforenamed ffather by the sajd Gouverno^r and Company, for or by reason of any cause, matter, or thing whatsoever, from the begining of the world to the day of the date hereof, touching or concerning the same. In testimony whereof, wee, the aboue named persons, appointed as a comitte^e for this

[*434.]

1684. buisnes, haue herevnto sett our hands. Dated in Charls Toune, the twenty fifth day of Aprill, 1684.

29 April.

[*435.]

*Annoq regni Regis Carrolj Secundj xxxvi.

Signed by

JOHN RICHARDS,
SAMUEL NOWELL,
ELISHA COOKE,
WILLJAM JOHNSON,
ELISHA HUTCHINSON,
RICHARD SPRAGUE.

This acquittance and discharge of the Goſino^r and Company of the Massachusetts Bay in New England to James Russell, Esq^r, Tresurer, in behalf of his father, the late Richard Russell, Esq^r, & himself, & theire heirs, &c, stands thus entred & recorded in the Generall Courts booke of records, at request of the said James Russell, from the 29th of Aprill, 1684.

As attests

EDWARD RAWSON, Secret^r.

[*436.]

7 May.

**At a Generall Court for Elections, held at Boston, the 7th of May, 1684.*

SYMON BRADSTREET, Esq^r, was chosen Goſino^r for y^e yeare ensuing, & tooke his oath.

Thomas Danforth, Esq^r, was chosen Dep^t Goſin^r, and tooke his oath.

Daniel Gookin, Esq^r, was chosen an Assistant for y^e yeare ensuing, & took his oath, & Majo^r Genn^l.

John Pynchon, Esq^r, was chosen an Assistant also, & tooke his oath.

Willjam Stoughton, Esq^r, was chosen an Assistant & 2^d Co^mission^r.

Peter Bulkley, Esq^r, was chosen an Assistant & 1st Co^mission^r [^] reserv.

Nathaniel Saltonstall, Esq^r, was chosen an Assistant, & tooke his oath ;

Joseph Dudley, Esq^r, 2 Co^mis^s in res^e.

Humphry Davy, Esq^r, was chosen an Assistant, & tooke his oath.

John Richards, Esq^r, was chosen an Assistant, & tooke his oath.

Samuell Nowel, Esq^r, was chosen an Assistant, & tooke his oath, & 1st Co^mission^r.

James Russell, Esq^r, was chosen an Assistant, & tooke his oath, & Tresurer, & tooke y^t oath.

Peter Tilton, Esq̃, was chosen an Assistant, & tooke his oath.
 Samuel Apleton, Esq̃, was chosen an Assistant, & tooke his oath.
 Robert Pyke, Esq̃, was chosen an Assistant, & tooke his oath.
 John Woodbridge, Esq̃, was chosen an Assistant, & tooke his oath.
 Elisha Cooke, Esq̃, was chosen an Assistant, & tooke his oath.
 W^m Johnson, Esq̃, was chosen an Assistant, & tooke his oath.
 John Hawthorn, Esq̃, was chosen an Assistant, & tooke his oath.
 Elisha Hutchinson, Esq̃, was chosen an Assistant, & tooke his oath.
 Samuel Sewall, Esq̃, was chosen an Assistant, & tooke his oath.
 Edward Rawson was chosen Secretary, & tooke his oath.

1684.

7 May.

The names of the deputies for y^e seuerall townes returnd to serve, &c,
 were, —

Salem : M^r Henry Bartholmew, 1 ſ.
 Charls Tō : M^r John Phillips.
 Dorch : M^r W^m Sumner.
 Boston : M^r Anthō Stoddard, M^r John Fairweather, M^r John Saffyn.
 Roxbury : M^r Edward Morrice.
 Water T. : M^r Symon Stone.
 Camḃ : M^r Edw^d Winship, 1 ſ.
 Lyn : M^r Olliuer Purchase.
 Ipṣ : Capṭ Daniel Epps, Leiut Thō Burnam.
 Newḃ : M^r Rich^d Bartlet.
 Weym̃ : M^r Jacob Nash, 1 ſ.
 Hingh : Capṭ Jn^o Smith.
 Concord : M^r Edw^d Oakes.
 Dedhā : Lefṭ Nath Sternes.
 M^r John Haynes, Sudbury, 1 ſ.
 Hauerill : M^r Rob^t Swann.
 Glocester : M^r James Steevens.
 Braintry : M^r Samuel Thompson, 1 ſ.
 Wooborne : M^r James Convers.
 Maulden : Capṭ John Wayte.
 Topsfeild : M^r Thomas Baker.
 Beverly : M^r Excercise Conant.
 Northampton : M^r Medad Pomery.
 Hadley : Lefṭ Phillip Smith, 1 ſ.
 Springfeild : M^r Samuel Marshfeild, 1 ſ.
 Redding : M^r Hannaniah Parker.

1684.

7 May.

Cap^t John Wayt was chosen Speaker.Cap^t W^m Torrey was chosen Clerk.

[*437.]

Imposts & impost
on wine
& strong li-
quors in force.

*It is ordered by this Court & the authority thereof, that the lawes, title Imposts, & Impost on Wine & Strong Licquor's, with the explanations and additions made also therevnto, shall be and remajne in full force from the tenth of June next ensuing, vntill the tenth day of June which will be in the year 1685.

Fylth in streets
to be remooued
on penalty.

There being complaint made of great inconvenience by reason of filth and dirt cast into the streets of Boston & other townes, and of the neglect of butchers to cleanse their slaughter houses and yards of blood and other filth, altho such houses and yards are scittuate neare streets and lanes much frequented, this Court doth order & enact, that all persons so offending shall forfeite twenty shillings to the vse of the toune, except such annoyance be remooved within twelue howers after complaint.

Notarys seale.

Whither it be not expedient for the Generall Court to appoint a seale for the public notary of this colony, that so writtings signed and past by him may finde the more credit in foreigne parts.

In answer to this quærie, the Court thinks it fitt to appoint, that a buck, with this circumscription on, Sigil: Notar: Pub: Massachusets, be the seale for the office of the notary publicke, and doe accordingly order the engravinge the same in siluer at the country^e charge.

Courts resolue
as to exec. on
goods & for w^t
person affirm-
ative.

Whither executions vpon judgments ought not to be issued forth according to the forme of process vpon which said judgments are founded, viz., against the goods, & for want thereof, the person, &c. The Court resolues this question in the affirmative as to personall debts.

Norfolke
troope.

In answer to the petition of Majo^r Robert Pyke, it is ordered by this Court, that Majo^r Pike is allowed to lyst so many men for troopers out of the three ffoote companjes of Hauerhill, Salisbury, & Amesbury, in proportion to the number of the said companye, so as to make his troope forty eigh men, besides officers, provided this troope be vnder the comānd of Majo^r Robert Pyke for their captaine; and Majo^r Pike is ordered to present to the next session of this Court the names of the other comission officers *to compleat the said troope; and inlysting the said addition out of the ffoote companjes, this Court doth dispence with quallifications of the persons in pointe of state paying to the country rate, provided they be otherwise qualified wth ability of body, and sufficient horse & armes.

[*438.]

Benja. Gerrish
collector of the
powd^r mony,
&c.

It is ordered, that Benjamin Gerrish be the officer for Salem and the ports annexed, in stead of the late M^r Hilliard Veren, to demand and receive the

powder mony of all masters of shippes and other vessells, according to their respective burdens, the said Gerrish giving an account to the surveyor generall yearly or oftner, as the law directes.

It is ordered, that Nathaniel Clarke be the navall officer for Newbery and Salisbury ports.

1684.

7 May.

Nath. Clarke
officers to y^e
ports of New-
bery & Salis-
bury.

S^r : —

Wee hauing had no aduice from you by the shippes lately arriued, that our letters to you & letter of attorney, being sent by John Balston, are come to your hands, wee haue therefore sent coppies of all ouer againe, and haue also sent by this ship one hundred pounds more, intending such further suppljes that yow may not want what will be necessary. Wee hope you will use your endeavour to spinn out the case to the vttermost. We question not but the council which you reteyne will consult my lord Cooke his fowerth part about the Isle of Man, & of Guernsey, Jersey, and Gascoine, while in the possession of the kings of England, where it is concluded by the judges, that these, being extra regnum, cannot be adjudged at the Kings Bench, nor can appeale ly from them, &c.

10 May.

Courts letter to
Robert Hum-
freys, Esq^r, 10th
May, 84, &c.

Also, if there be such a thing as an appeale from a judgement in the Kings Bench, by a writt of erro^r to the Exchequer Chamber, we hope yow will endeavour for us, that whatsoever benefit the law affoordes, we may, by due & meet applications, be pertaker of the same, w^{ch} is all the needfull at present. So, wishing you good successe, we rest

Your assured lō freinds.

EDWARD RAWSON, Secre^t.

In the name & by order of the Go^u & Comp^a of y^e Massachusetts Bay.

*To the Kings most excellent Maj^{ties}.

[*439.]

The humble petition & addresse of the Generall Assembly of the Massachusetts Colony in New England, in behalfe of themselves & the freemen of said colony.

17 May.

Generall
Courts address
& peti^{tion} to his
maj^{ty}, to be
sent by 1st
shipec, &c.

May it please yo^r maj^{ty}, —

As it was the vnfeigned desire of our fathers that brought vs ouer into this wilderness, & more especially of those that from time to tyme haue had the gouernment of us, to approoue themselues loyall and obedient subjects to your maj^{ty}, in like manner, we, their children & successors, shall euer more endeavour the same ; and hauing seriously considered the contents of your

1684. maj^{ties} declaration referring to the quo warranto sumōning by name some of us to appeare before your maj^{ty}, —

17 May.

Wee prostrate ourselues at your maj^{ties} royall feete, and humbly begg your maj^{ties} royall favour not to charge it vpon vs as proceeding from any disloyall inclinations, or the peruersness of our minds, that wee cannot make such full submission and entire resignation to your maj^{ties} pleasure as in your maj^{ties} declaration is intimated; and that we account it our great unhappiness not to be made acquainted with your royall pleasure before our obedience therevnto be required.

We are your maj^{ties} poore subjects, the children & ofspring of those that, vnder the security of the charter granted by your royall father, left all that was deare to them in your maj^{ties} three kingdomes, not for the sake of outward aduantages, but that they might not be offendōs against either church or state in those things the enjoyment whereof they put farr greater value vpon then their private interests & proprietjes; and seeing we are not capable of returning to the enjoyment of what our fathers willingly forsooke, wee doe therefore most humbly intreat that wherein they who were the first planters of this your maj^{ties} colony, and are now generally deceased, haue vnwillingly trespassed against your maj^{ties} prerogative or charter to them granted, that your maj^{ty} will not now impute it to vs, who, in all sincerity, shall endeavo^r your maj^{ties} satisfaction, as in duty bound; and may wee still enjoy the favour of hauing our erro^rs assigned. Wee doubt not but that our

[*440.] readiness in reforming may prevent your maj^{ties} *proceeding in a way so contrary to your most gracious incljnation, from which, in the midst of all our dispondencies, we take encourag^{mt} humbly to supplicat that there may not be a farther prosecution had vpon the quo warranto; it being very greivous to us to thinke of majnteyning any controuersy with your maj^{ty}, as more fearing any occasion of loosing your royall favour then the censure of the law. We hope it will no less tend to your maj^{ties} honour to be preuailed vpon by your oune innate clemency, then by the sense of our misdeeds; and beleive that in times to come it will be no regret of minde to your maj^{ty}, that your distressed New English subjects haue been releived by your soueraigne grace.

And wee, your maj^{ties} most loyall subjects, as in duty bound, shall euer pray, &c.

Sr: —

Courts letter 17
May to Robert
Humfneys,
Esq^r.

We, being desirous by all wayes or meanes that we can thinke of to expresse our vnwillingnes to proceed in a course of law with his maj^{ty}, if it be not too late, haue agreed vpon this addresse inclosed, according to former intimations to yourself, that wee would make an humble application to his

maj^{ty}, if it might be, to prevent a judgment against us, who, from no principle of disobedience or pragmattik humo^r, haue made that hard & vnpleasant choice, w^{ch} wee haue formerly acquainted yow with, desiring your assistance in the manngement of a suite at law with his maj^{ty}. Nothing but meere conscience of our duty to God & our posterity hauing binn the sole motive to us in this action, yet wee haue that confidence in your prudence and faithfullness, that if, by consulting our judicious freinds, and such council as yow shall make vse of on our behalfe, yow shall judge the presenting of this addresse in our names be more likely to irritate or provoke his maj^{ty}, and so to disadvantage us, wee desire yow to forbear the presenting of it at this time, vntill yow shall see a more convenient season, or wholly to suppress it, if yow should judge that best. *Wee hereby ayming to express our vnfeigned desires to submitt ourselues to his maj^{ties} royall pleasure concerning us, only humbly praying his maj^{ties} fauour to be extended towards us for the continuation of the libertjes and priuiledges to us granted by his maj^{ties} royall charter, wee desire your assistance in the presenting of it. Wee haue herewith sent yow a copy of that letter w^{ch} we sent by Dauid Edwards, for feare of miscarriage. So, wishing yow success in your & our affajres, wee rest

1684.

17 May.

[*441.]

Your assured lō freinds.

EDWARD RAWSON, Secrēt.

In y^e name & by ord^r of y^e Gov^r & Comp^a of y^e Massachusetts Bay.

Bostō, 17 May, 1684.

This Court, taking notice of the great paynes & labour of the Refiend Mr John Hale in his sermon vpon the last election day, doe hereby order Samucll Nowell, Esq^r, Mr Henry Bartholmew, Cap^t Daniel Epps, & Mr Excercise Connant to give Mr Hale the thanks of this Court for his great pajnes, and that, as a further testimony of their acceptance thereof, doe in the Courts name desire a copy of him, that may be fitted for the presse, and to take effectuall care that the same be printed at the publick charge.

Mr Hales sermon to be printed.

It was voted by the whole Court mett together, that it be left wth the council to supply Mr Humphreys wth more mony, if they see cause.

It is ordered, that John Richards, Samuel Nowell, & James Russell, Esq^s, are chosen & appointed a comittee to make agreement wth the tauerners & ordinary keep^s of this colony.

Jn^o Richards, Elisha Cooke, Esq^s, with Captaine John Wayte, Mr John Faireweather, and Mr Edward Morrice, are appointed a comittee to take y^e country Treasurers accounts by October Court, if they cann.

More mony for Mr Humphrys in case. Comittee ab^t ordinaries. Comittee for y^e Treasurers accounts. Island Chobis-codogo in Casco Bay g^ried to Tho. Danforth & Samuel Nowell, Esq^r, &c.

This Court doth grant vnto the honnoured Dep^{ty} Gouverno^r, Thomas Dan-

1684.

17 May.

forth, Esq^r, president of the Province of Majne, & to Samuel Nowell, Esq^r, for their great paynes & good service donn by order of this Court in the expedition & seuerall journeys to Casco, for which no recompense hath binn made them, an island called Chebiscodogo, in Casco Bay, in the Province of Meyne, provided they take the sajd island in full sattisfaction for all service donn, referring to the setlement of the Prouince of Meyne to this day.

[*442.]

14 May, 84.

Ans^r to Comer, Dawsons, &c, petition, as to Wampus land, &c.

*In answer to the petition of John Comer, Edward Pratt, W^m Mumford, John Pittman, Georg Dauson, Joshua Hues, John Jackson, & W^m Harrison, &c, the Court knowes not of any land that Wampas, Iudean, had any true or legall right vnto, he being no sachem, but a comon person; if the persons can finde any land that was his, & wthheld from them, the law is open where they may obteyne their right, if they can make any such appeare.

Ans^r to W^m Fullers petition.

In ans^r to the petition of Willjam Fuller & Ruth, his wife, the Court, hauing read & persved y^e annex, sajd to be a copy of the will of the deceased John Peirce, doe not see any cause to act anything touching the same, but leaue the petitioner to the power therein granted in the sajd will for the disposing of the land therein mentioned.

Ans^r to Sam^l Wakefeilds petition.

In answer to the petition of Sam^l Wakefeild, humbly desiring the favour of this Court to set vp a wooden frame, the Court sees no reason to grant his request.

Ans^r to Tho. Richardsons petition, 60 acres gr^{td} him.

In answer to the petition of Thomas Richardson, humbly desiring the Courts favour to grant him a smale parcell of wast land w^{ch} lyeth nere y^e land that the late Jn^o Euered alias Webb purchased, the Court grants the petitioners request, the land petitioned for being next to his oune, so it be free from former grants, & that it exceed not sixty acres.

Ans^r to Sarah Stephens petition.

In ans^r to the petition of Sarah Stephens, of Mendon, widdow, the Court judgeth it meet to order the one halfe of the land to the widdow to injoy to hir & hir heires, &c, and dispose of the other half of the land to be to hir children by Joseph Stephens, as they come to age, part & part like, the bringing vp the children, with the improvem^t of the land.

Manasses Marston cornet of Sale. troope. John Whites prohibition to build, &c.

Manasses Marston is appointed cornet to Salem troope.

In ans^r to the petition of John Joyliffe, Edward Willis, & seuerall other inhabitants of Boston, the Generall Court, in February last being petitioned to, on misinformation had granted licence to John White, joyner, to build a timber house, &c, but afterwards, y^e council being more fully informed of the great prejudice if such a building should be erected to the neighbourhood, & hazard to the tounne, did phibit the sajd Whjtes procedure therein till this Court should take further order. This Court judgeth it meet to order, that the

sajd White doe forbear any procedure; that he attend to the late law, title 1684.
Brick Buildings, vnder the pœnalty therein exprest.

*In answer to the petiçôn of M^r James Allen, the Court grants his request, & allowes of the returne of the land lajd out by a sworne surveyor, as more at large is expressed in the platt annext to his petition. 17 May. [*443.]

The Court judgeth it meet to allow & approve of the five hundred ac^s of land lajd out by David Fiske, surveyor, according as was granted by this Court, October, 1665, to Major Daniel Denison, now lajd out by y^e order of M^r John Rogers, præsident of Harvard Colledge, in behalfe of his wife, to whom the late Major Denison gaue it by his will, &c, as in the map or platt annext.

It is ordered, that there be halfe a country rate forthuith levyed & collected by the constables of the seuerall townes, & pajd into the country Treasurer in mony w^{thin} three months of this date, to be improved for emergent occasions, &c. $\frac{1}{2}$ a single country rate in mony w^{thin} 3 months.

Leiftenñt W^m Clarke, Cap^t Aron Cooke, & Leif^t Phillip Smith being chosen associats for y^e County Courts in Hampshire for y^e yeare ensuing, this Court allowed & approved of their chojce. Hampshire associats.

This Court allowes & approves of the seven hundred acres of Δ layd out, as in the map annext, to the late Edmond White by David Fisk, sworne surveyor, & y^t by order of Humphrey Davy, Esq^r. Mr Edmond Whites 700 ac^s lajd out p^r order to M^r Humphry Davy.

The Court judgeth it meet to allow of the farme of five hundred acres of land, as in the map annext, to M^r Elijah Corlett, by order of M^{rs} Margery Flynt, that purchast the same, to whom it was granted, as in the Courts order therevnto affixed. Mr Corletts 500 acres lajd out to M^{rs} Margery Flint, &c.

In ans^r to the petiçôn of Thomas Holbrooke, Edward West, selectmen for the toune of Sherborne, it is ordered, that the grant of land vnto the inhabitants & others at or neere Boggestow shall be & hereby is confirmed vnto them, according to the plat now before the Court, dated 25 3rd m^o, 1677, signed Thomas Thirston, provided alwayes it doe not intrench vpon former grants to any toune or particullar persons. And it is ordered, that the name of the toune be Sherborne, and that it belongs to the county of Middlesex. Sherborn petition ans^d, & it belongs to Middlesex, &c.

*In answer to the petition of the inhabitants of Cambridge their petiçôn, & the townes answer being read, the Court, on due consideration, doe order, that Cap^t Thomas Prentice, M^r John Faireweather, & M^r John Saffyn be a com^{it}tee to vejw the place in a thorough way, some of the inhabitants of the toune, & also of the petitioners, hauing notice given to be there; M^r Saffyn & M^r Faireweather to appoint time and place of meeting, & on all considerations to make their returne, on their vejw of the place, as to a divid- [*444.]

Ans^r to y^e inhabitants of Cambridge petiçôn.

1684. ing līne betweene them, to this Court, for their due consideration & determination.

17 May.

Courts grant as
to Springfield
bounds.

In answer to the petition of John Holyock, clarke, in behalfe of the toune of Springfield, the Court judgeth it meet to grant their petition, so farr as it respects the bounds of their toune, & was, that their north bounds to joyne to bounds of the toune of Northampton, on the west side of Connecticut Riuer, & to the bounds of the toune of Hadley on the east side of the said riuer, & that their bounds might extend to the brooke commonly called Stony Brooke, at the ffoote of the mounteyne that lye eastward of the townes; all w^{ch} was g^{nted} as aboue.

Ans^r to Sam.
Ball peti., con-
st^{ble} of Spring-
feild.

In ans^r to the petition of Samuells Ball, to Major Jn^e Pinchon, & by him to the Generall Court, for seu^{ll} pticulars, as y^t y^e rates be p^d so as the constables be no loosers, y^t y^e p^{cell} of pease by him sent doune to procure mony for y^e Tresurer, & was burnt in y^e late fjer in Boston, might be accepted on y^e countrys account; y^t an abatement of ffifty fower shilling mony might be allowed him on the mony rate, y^t he be no looser, the Court judgeth it meet to grant him his petition.

Courts letter to Honno^{ble} Sr: —

Edw^d Cran-
feild, Esq^r,
Gou. of Hamp-
shire.

Complaint being made by his maj^{ties} good subjects of the Prouince of Meyne, that they are greatly injurjed, being required by your officers to make payment to them for their vessells transporting of their lumber, the produce of that prouince, to the market, when as that they onely pass on their oune side of the riuer, that is by his maj^{ties} charter the stated bounds betwene said prouince and that which is vnder your honno^rs gouernment.

Wee haue confidence that yow will not authorize yo^r officers to act in a matter so extra judiciall, and highly imposing vpon the liberty & property of his maj^{ties} subjects, nor yet countenance any that shall so doe; and therefore doe hereby comēd it to your honno^r, that for the future all causes of complaint with reference thereto maybe remooved, which will contribut to the continuance of peace & freindship, the w^{ch} we desire, & shall seeke for on our p^{ts}, who are, s^r,

Your freinds & servants.

EDWARD RAWSON, Secret^r.

In y^e name & by order of the Gofino^r & Company of y^e Massachusets Bay.

Boston, 16th May, 1684.

[*445.]

*In the case betweenc W^m Hawkins & Anna, his wife, complayning ag^t

Robert Burnet & seuerall others, as in their petiçon on file, the Court, hauing duly considered the case, & euidences, & pleas made by both parties, and finding it very difficult to releive the complainant, doe judge meet & doe order, that Elisha Hutchinson, Esq^r, Mr John Saffyn, & Mr James Conuers be a comitte to repaire to Reading, & survey & measure the place & the lotts where it is supposed the lands sued for either is or ought to be lajd out, who are hereby impowred to call before them witnesses, & examine them vpon oath if they see cause, and to vse their vtmost endeavo^rs to find out what may tend to releive the complainants, and make returne thereof to the next session of this Court, that so a right judgment may be given in the case, pröided the complainants be *be* at the charge of the comitte.

1684.

27 May.

Comitte as to y^e case of W^m Hawkins & Anne his wife & Robert Burnet, &c, cum alijs.

In answer to the petition of Mr John Rogers, presid^t of Harvard Colledge, humbly desiring the favo^r of this Court, that, to avoyd great inconveniencies, the Tresurer of the country may be ordered & inabled once a quarter, from tyme to tyme, to reimburse him according to the proportion of the salary granted to him, the Court judgeth it meete to grant his request as above.

Ans^r to Presid^t Jn^r Rogers petition.

Seuerall acts of this Court, dated 14th of October, 1651, and 14th of October, 1668, being presented to this Court, wherein y^e land purchased y^t this Court purchased of Mr Hansierd Knollis was granted to y^e late W^m Hawthorn, Esq^r, should be lajd out to the late Thomas Clarke, Esq^r, in Kittery, a plott being annexed to copies of those grants, being produced & presented as lajd out by Jn^r Evens at request of Peter Coffin, runnig from Piscq Riuer, N. E. ½ E., five hundred and eighty perch in length towards Yorke Riuer, being just half way betweene Piscaqua Riuer and Yorke Riuer, there being twenty fower perches allowed for winding of lynes, and is in breadth two hundred and forty perch throughout, bounded on Piscatqua Riuer, & lyeth betweene Watts Fort & Franke Fort, S. E. & ½ S., the land so returnd & bounded, as in y^e plat, was allowed of to be in satisfaction of y^e above recited grants.

Mr Hansierd Knollis laid out to Tho. Clarke, Esq^r, mentioned in a plat on file.

In answer to the petitions of W^m Manning & John Cooper, it is ordered, that Mr W^m Manning & Mr Samuel Gookin, jointly & seuerally, shall & hereby are fully impowred to aske and demand of the seuerall subscribers, for the erecting of the bricke building at the colledg, *their seuerall subscriptions yet behind & unpajd, and on any of their refusall to pay their just dues, such person or persons to sue, and recouer what remajnes, and that they haue a compensation for the same out of what they gather, making returne of what they doe to this Court at their next sessions, that so Mr Manning & Mr Cooper, Mr Manning may haue thirty five pounds, & Mr Cooper fuetene

Ans^r to Mr Mannings petiçon.

[*446.]

1684. pounds, in or as many, and the remainder, if any be, to be at the dispose of the ouerseers of the colledge.

27 May.
Ans^r to Alice
Eatons peti-
tion.

In ans^r to the petition of Alice Eaton, the request therein is granted; and Thomas Broune, of Cambridge, & John Fuller, of Dedham, the petitioners neighbour, are appointed to be the comitte^e wth himself to inspect into this affajre, and examine what is done by the sajd John Eaton, irrationally & illegallly; as also to take due course for the prevention of future damage, & preserve the estate for the benefit of the ffamily.

Cap^t Prouts
souldjers liable
to watching.

There being a quæstion, whither the souldjers vnder the comānd of Cap^{taine} Timothy Prout should be l^jable to watching, the Court resolues this question in the affirmative; and it is ordered, that the souldjers aboue mentioned shall be l^jable to watch in all watches in the seuerall companjes where they dwell.

[*447.] **Att a Gennerall Court, called by the Gou^rno^r & Magis^{ts}, on the Gou^rno^rs receipt of his Maj^{ties} letter, to sitt, & satt in Boston, July 9th, 1684, at one of the clocke.*

PRESENT, Thō Danforth, Esq^r, Dep^t Gō,

Daniel Gookin,	} Esq ^{rs} .
Nathaniel Saltonstall,	
Humphry Davy,	
Jn ^o Richards,	
James Russell,	
Samuel Nowell,	
Peter Tilton,	
Robert Pike,	
Elisha Cooke,	
W ^m Johnson,	
John Hathorne,	

The names of y^e deputjes at y^e Court were, —

Dated 8 March,
83-4.

HIS maj^{ties} letter & the act inclosed, wth S^r Ljonell Jenkins, were read in open Court, both houses being together, wth his maj^{ties} proclamation.

This Court being informed that great disorders and depredations haue binn comitted by seuerall of his maj^{ties} subjects, to the great damage and prejudice of his maj^{ties} allyes, and contrary to treatjes of peace and that good

correspondence which ought to be mainteyned betweene Christian princes and states, and that seuerall persons, contrary to their duty and good alleageanc, haue and doe goe from this colony into forreigne pñces services, and saile vnder their comissions, for the prevention whereof, —

1684.

9 July.

It is ordered and enacted by this Court and the authority thereof, that from & after the publication hereof, it shall not be lawfull for any person that now doth or hereafter shall inhabit, come in, or belong to this colony to serve in America, in any hostile manner, vnder any forreigne prince, state, or potentate, or any imployed vnder them, against any other forreigne prince, state, or potentate in amity with his maj^{tie}, wthout speciall licence or comission first had from his maj^{ty}, or the Gou^r and Company of this colony, vnder the colonjes seale, or some of his majesties gou^rs or other lawfull authority vnder him elsewhere, for their so doing; and that all and euery such offend^r or offenders, being duely conuicted, shall suffer the paynes of death.

Provided, neuertheless, that this act nor any thing therein conteyned shall extend to any person or persons which now are or haue binn in the service or imployment of any forreigne prince, state, or potentate whatsoever, that shall returne to this colony, and leaue and desert such service or imployment, before the 25th day of March next ensuing. And bee it further enacted by the authority aforesajd, that all and euery person or persons that shall enterteyne, harbo^r, counsel, trade, or hold any correspondence by letter or otherwise wth any person or persons that shall be deemed and adjudged to be privateers, pyrates, or other offenders wthin the constructions of this act, and that shall not readily endeavo^r, to the best of his or their power, to app^rhend or cause to be apprehended such offender or offenders, shall be l^jable to be presented as accessaries and confederates, and suffer such paynes and pœnaltjes as by law is in such case provided.

And be it further enacted by the authority aforesajd, that the cheife comission officer then present vpon the place, in any toune or harbour, where there is no magistrate or other person invested with like authority resyding & at hand, are hereby, in their seuerall precincts wthin this colony, required *and impowred, vpon his or theire knowledge or information given that any privateers, pyrates, or other persons suspected to be vpon any such vnlawfull designs, to grant warrants to the constables of the place to app^rhend & seize euery such person or persons, and, if need be, shall assist the constable, and raise and levy such a number of well armed men as he or they shall thinke meet for the seizing and app^rhending of euery such person or persons, and carrying them before the Gouerno^r or some of the magistratē, to be further examined and proceeded against as the law directs.

[*448.]

Law ag^t pirates
& privateers.

1684.

9 July.

And in case of any resistance or refusall to yeild obedience to such authority and seizure, it shall be lawfull to kill or destroy such person or persons; and all and every person that shall oppose or resist, by striking or firing vpon the officers, or any that are by him comanded for his aid or assistance, shall be deemed, taken, and adjudged capitall offenders, and be put to death; and every such officer that shall omitt or neglect his duty therein, being legally convicted wthin three moneths after such his neglect, shall forfeit fuetty pounds in currant money of this colony for every such offence for the vse of this colony.

And every person or persons that, vpon orders given him or them, shall refuse to repaire immediately wth his or their armes, well fitted, and amunition, to such place or places as shall be appointed by y^e said officer, and not readily obey his comand in the execution of the premisses, shall be liable to pay a fine of fiue pounds in money, or suffer such corporall punishment as the majestrate or County Court that shall haue cognizance thereof shall determine.

Ans^r to inkeepers petition.

In answer to the petition of seuerall touerno's & inkeepers licensed, this Court, for the encouragement of the petiçoners and others, licensed, as the law directs, for keeping of houses of publick enterテインment, and for their security against the great injurjes to them sustejned by the irregular practises of all vnlicensed persons, doe order, that all tithingmen, grand jury men, & constables, in their respective places, diligently inspect all disordered houses that do, contrary to law, retajle wine, ale, beere, cider, licquo's, &c, without license, and to prosecute the wholesome lawes made against all such disorders.

And doe further order, that one complaint made by any licensed person against any that are vnlicensed for transgressing in that kinde before any magistrate or County Court, and being legally convicted thereof, every such complajnant shall haue for his recompenc the one moyety or halfe part of the fine or fines imposed vpon such delinquents.

**By the Gou^rno^r & Company of the Massachusetts Bay in New England, at a speciall Gennerall Court, called by the Gou^rno^r, to be held and sett in Boston, 10th day of September, 1684.*

1684.
10 September.
[*449.]

PRESENT, Symon Bradstreet, Esq^r, Go^v,
Thomas Danforth, Esq^r, Dep^t Go^v,
Daniel Gookin,
Nathaniel Saltonstall,
Humphry Davy,
John Richards,
James Russell,
Robert Pike,
Sam^l Apleton,
Elisha Cook,
John Hathorne,
Elisha Hutchinson,
Samuel Seawall.

Deputjes returnd to serve at y^e Court were, —

THE Court mett. The Gou^rno^r declared the grounds for his calling the Gennerall Court, w^{ch} was receipt of letters, in w^{ch} was some informations p a transcript of a letter by Joseph Dudley, Esq^r, out of one directed to him, wth seuerall papers in it, all w^{ch} was read in Court the 11th September, 84, y^e Court being adjourned to that time. 11 September.

Whereas it is found, by experience, that the provision made by the law, ti^t Jurjes, May, 1672, for releife in case of apparent corruption or error in the jurys giving in their virdict contrary to law and euidence, is perverted to the burdening of the country with vnreasonable trouble, the great wrong of partjes concerned, with vnjust reflections made thereby vpon the jurys, —

It is ordered by this Court and the authority thereof, that in all attaints, before the entry or allowance thereof, that the party attainting shall give in writting, vnder his hand, for what cause, & shew how the same doth appeare so to be ; and in case, vpon a due tryall as the law provides, the virdict of the former jury be confirmed, such party so attainting shall pay to the country, as a fine for vnecessary trouble to the Court, tenn pounds in money, and to the jury men that gaue in the former virdict forty shillings a peice ; and in case

1684.
11 September.

be for corruption, it shall be lawfull for the jury so reproached joyntly or seuerally to prosecute their action of slander as to them shall seeme meet; and the plaintiffe reproaching shall also be liable to such further fine to the country as the Court shall judge meet.

[*450.] *Also, in all cases where the former virdict is confirmed, the party concerned shall haue double costs, and also double interest, for being deteyned of his just debt according to former virdict.

Forme for execution.

To the marshall of S., or his lawfull deputy.

Forme of execution.

Yow are required, in his maj^{ties} name, by virtue hereof, to levy, in execution, on the mony of A B, of B., the sume of ———, with two shillings more for this execution, and deliuer the same unto C D, of ———, or to his order, which is to satisfy a judgment the said C D recovered against the said A B for so much in money, (including the costs of Court,) vpon a tryall betweene them before the County Court, holden in B, the of ———, anno ———; and in want of the money or other estate of the said A B^e, to the satisfaction of the creditor, yow are alike required to seize the person of the said A B, and him comitt vnto the safe keeping of the prison keeper in B, vntill he make payment according to this execution, or otherwise be released by the credito^r, or by order of law. Hereof fajle not, as yow will answer the contrary at your perrills, and make returne of yo^r doings herein as the law directs, for which this shall be your sufficient warrant. Dated in B. P Curiā.

Mutatis mutandis, according to the tenno^r of the judgment.

5 or 6 added to
be licenst in
Boston as to
ordinarys.

This Court, hauing been informed that the number of persons allowed to be licensed in Boston for keeping of houses of enterテインement, and retayling wine & liquors, &c, wthout doers, are not sufficient for the accommodation of the inhabitants and trade of the toune, by reason whereof sundry inconveniences doe acrew, —

Doe order, that the County Court of Suffolke may license five or sixe more publick houses in Boston, the selectmen of the toune of Boston yearly approving of the persons as meet & fitt for y^e employment.

Bricks.

As an addition to and explanation of the law regulating the size of bricks, made at the Gennerall Court, May 28, 1679, —

It is ordered by this Court and the authority thereof, that henceforth all bricks shall hold out and be of the full size and demention expressed in the aforesaid law, euen after they be sufficiently nealed or burnt; and to that end all moulds for bricks shall henceforth be made of such a convenient size or

scantling, that the said bricks may and shall hold out, and be of the full dimension prescribed, when they are sufficiently nealed or burnt, as aforesaid, which shall be so judged *and accounted merchantable when as at least three quarters of every parcell of bricks be hard and through nealed ware, and not sunne bricks; and for the due observation hereof, every tounc (where bricks shall be made or sold) shall annually choose two or more able men, each of which shall haue power to vejw, diuide, and cull all bricks from time to time that shall be exposed to sale, who shall be sworne to the faithfull discharge of their office, and shall be allowed fower pence for every thousand of good and merchantable bricks they shall so cull; one halfe thereof to be paid by the sellar, and the other halfe by the buyer; and no bricks shall be sold or made vse of before they haue bin vjewed and culled as aforesaid, vpon the pœnalty of paying twenty shillings in money p thousand, one halfe thereof to the tounge where such bricks are made or sold, and the other halfe to the informer.

1684.

11 September.

[*451.]

Addition to the law as to bricks.

Cullers to be chosen.

Pœnalty, &c.

1 barr^{ll} of powder sent to fort Loyall, &c.

The surveyor generall is ordered to deliuer vnto Cap^t Edward Ting, for the vse of Fort Loyall, one barrell of powder of the meanest of the countrys store and worst, and the value to be repaid againe by the Treasurer of that prouince as soone as the quit rents come into his hands.

M^r Rob^t Humfreys.

S^r: By a private letter to Joseph Dudley, Esq^r, wee are informed of new measures taken at Court in our case, at w^{ch} wee are amased, & haue called a Gennerall Court seriously to consider & weigh what is further to be donne by vs who are mett, and haue matters vnder debate; of what will be concluded yow will receive by the first good oppertunitie. This I am comãded to signify by this ship, which occasionally touched here from Jamajca. It is all at present, the shipp being vnder saile, onely our thanks for yo^r care & paynes in our affajres. So

12 September.

Letter to M^r Rob^t Humphreys.

Your louing freinds.

EDW^d RAWSON, Secre^t.

In y^e name & by order of the Go^uno^r & Company.

Boston, 12 September, 1684.

In answer to the petition of M^{rs} Rogers, y^e relict of the Reuerend M^r John Rogers, late president of Harvard Colledge, that the accounts might be settled wth reference to the salary due to hir late husband for his service in sd trust & place, this Court, considering the great loss sustejned to his estate by so speedy remoovall from said place, doe order, that the Treasurer doe allow and pay to his excecatrix & widdow his sallery for two full yeares.

1684.

12 September.

[*452.]

Hannanja Parker leſt, Redding, & Goodin ensig.

Henry Keely ensigne, Lancaster.

Ans^r to Tho. Bakers petition.

Ans^r to W^m Hawkins.

M^r Sewall freed from mannag^t of y^e printing pres.

Ans^r to M^r Jn^o Giffords petition.

[*453.]

Order on Shapleighs estate.

*In ans^r to the petiçon of Leiftenñt Jn^o Damon, for liberty to lay doune his place, the Court grants his request.

It is ordered, that Hannania Parker be leiftenñt in the roome of the abou^t mentioned Leiff Damon, at Redding, and Sarjant ^ Goodin is appointed ensigne there, & vnder y^e conduct of Jeremiah Swajne, captaine.

Henry Kerly, heretofore leiftenñt at Lancaster, now remooved, & married at Marlborow, is appointed ensigne to the trajne band there in y^e roome of his brother, deceased there.

In answer to the petition of Thomas Baker, the Court judgeth meet to grant a hearing of his case mentioned in his petition at the next session, and that the secretary signify the same by warrants to persons concerned, & that the execution be suspended till the case be determined.

In ans^r to the petition of Willjam Hawkins, it is ordered, that the Treasurer pay him fve pounds, for the care of Nicholas Cowley, a Jersyman, ready to perish, being sent to him by authority.

Whereas, at a sessions of the Gennerall Court in October, 1681, this Court was pleased to intrust M^r Samuel Sewall wth the mannagem^t of the printing press in Boston, lately vnder the improovement of M^r John Foster, deceased, and whereas, by the prouidence of God, M^r Seawall is rendered vnable to attend the same, he judging it reasonable to acquaint this honnoured Court therewith, desiring that he may be freed from any obligation vnto duty respecting that affajre, wth thankfull acknouledgm^s of the liberty then granted, —

The Court grants the request aboue mentioned.

In answer to the petition of M^r John Giffard, the Court grants the petiçoner a hearing of his case at the next session of this Court, the secretary giviñ timely notice.

*Forasmuch as two of the ouerseers of M^r Nicholas Shapleys last will, viz^t, Richard Russell, Esq^r, & M^r Chickering, with Robert Knight, another ouseer, by y^e uill of said Shapleigh had power to lett, set, & dispose of sd estate by sale, for the supply of the widdow, now, it hauing pleased God to remoove the said ouerseers by death, & the widdow of said Shapley is in great want, this Court haue therefore appointed Cap^t Jn^o Phillips & M^r Joseph Lynde, both of Charls Toune, wth the said Robert Knight, to supply the place of the ouerseers, heereby giving them power to lett, sett, or sell any part of the said estate for the maintenance of the widdow, & payment of hir just debts, they reserving the remainder for the children, according to the will.

By y^e Gounor & Company of the Massachusetts Bay in New England, at a second Sessions of the Generall Court, held at Boston, 15th of October, 1684.

1684.

15 October.

IT is ordered, that in case of misdemeano^r, or vehement suspition thereof, where no Court is at hand, any magistrate or magistraticall comissioner, by warrant vnder his hand, or being present by his comānd, may impower any person to make search and apprehend any disorderly person, whereby their misdemeano^rs may be brought forth and punished, and further evils of like kinde prevented, which man so impowred or comānded shall in the particullar he is employed in haue æquall power with a constable for requiring aide and assistance.

Magistrates & comissioners power in case of misdemeano^rs suspected.

It is heereby ordered, that it may & shall be lawfull for the clerks or recorders of any and euery County Court of this colony to direct any execution by them draune to the marshall generall as well as to the marshalls of the county, so that the person who shall obteyne a judgment, and take out execution, may imploy which of them he shall see meet, provided alwayes when any such execution shall be deliuered to the marshall gennerall, the cost of it shall not be greater then if it had binn serued by the marshall of the county where the judgment was granted.

Execution may be served by y^e marshall gen^l.

The consideration that the country is *is* at great charges for transportation of pay to Boston and Charls Toun from the remote parts of the colony, as also great losse in measure, it is ordered by this Court and the authority thereof, that those to whom the country is indebted for sallerjes or otherwise, shall haue order from the Treasurer to receive their pay in the *tounes where they liue out of the country rates, so farr as it will reach, or by the next tounes adjaacent, for what is due, in country pay, prouided the payments ordered by the Treasurer be conveyed to those who are to receive it by the constables at the countrjes charge, to preuent so much losse & costs for carriage.

Country debts to be p^d to all parties in the seuerall tounes they liue in.

[*454.]

Whereas complaints hath binn made to this Court that wolues haue binn taken in one toun, and afterward carried into another, and there killed, whereby such other tounes haue binn vnjustly charged, this Court doth order and appoint, that now toun or county shall be l^jable to make any payment by virtue of the law, title Wolues, except for such as shall be both caught & killed wthin their bounds respectively, any vsage to the contrary notwth-standing.

Wolues to be caught & kild in y^e toun bounds, or not to be p^d for.

John Richards, James Russell, & Elisha Cooke, Esq^{rs}, wth Lef^t John Phillips, M^r W^m Parkes, & M^r W^m Sumner, are hereby appointed a comitte

Comitte to in spect, &c, M^r Monck & M^r Wings accou.

1684.

15 October.

Twoe rates on
mony, y^e other
country pay.

Secretary.
Comitte, Mr
Richards, Mr
Rich^d, Mr
Cooke, Mr Saf-
fyn, & Mr
Faireweather
to inspect y^e
Secret. acco.
of 57: 18.
Order for tran-
scribing let-
ters, &c.
Records.

to examine the accompts of Mr George Moncke & Cap^t Jn^o Wing, concerning the expences of the publicke now depending, & what more may be for this yeare expended, and make their returne wth all convenient speed.

This Court, on pervsall of the returne of the comitte, doe order, that there be two rates this yeare, to be collected out of the tounes, one in money, & the other in country pay; and that the sallerys of our present Go^vno^r & the rest of our honnoured magis^{ts} shall be for this yeare as it was the last.

It is ordered by this Court, that the gent^o that were appointed to examine the Treasurers accompt this yeare are hereby desired & empowred further to inspect & enquire into those particulars brought in by the secretary, to the value of fluety seven pounds eighteen shillings, not accepted of by the Court, & to make returne of what they finde therein to the next sitting of this Court.

It being a matter of great concernment to the future weale of this people that all records of this Court relating to his maj^{ty}* & our affajres in England be carefully kept & preserved, it is ordered, that all letters that, from time to tyme, haue been received from his maj^{ty}, or from any of his secretaries, together wth the answers returned by this Court, be all carefully revised, from the beginn^g of these plantations to this day, and fairely entred in a booke entirely by themselues, and that for the future the same order be observed; and Mr Nowell & Mr Cooke are appointed to joyne wth y^e secretary to effect this matter, who are hereby impowred to agree wth som meet person for y^e transcr^{pt} *thereof, & to charge bills on the Tresurer for y^e payment thereof; and y^t all letters & papers y^t haue passed between this colony & other places (neighbo^r colonjes) be transcribed into a booke likewise by themselues, & y^e same comitte to inspect the same as aboue.

[*455.]

Order as to M^r
Shapleighs es-
tate.

Forasmuch as the ouerseers of M^r Nicholas Shapleighs last will, viz^t, Richard Russell, Esq^r, and M^r Chickering, who, with Robert Knight, another ouerseer by the will of sajd Shapleigh, had power to lett, sett, and dispose of sajd estate by sale for the supply of the widdow, — now, it hauing pleased God to remoove the sajd ouerse^rs by death, and the widdow of sajd Shapleigh is in great want, this Court haue therefore appointed Cap^t John Phillips & M^r Joseph Lynde, both of Charls Toune, to joyne with the sajd Robert Knight to supply the place of ouerseers, hereby giving them power to lett, sett, or sell any part of the sajd estate for the maintenance of the widdow, and payment of her just debts, they reserving the remainder for the children according to the will.

Ans^r to Men-
don peti^{ti}on,
&c, as to rat-
ing.

In answer to the petition of Fardinando Thajer, Symon Peck, Samuel Read, Josiah Chapin, &c, selectmen, in behalfe of the inhabitants of Mendon,

the Court judgeth it meet to allow & empower the inhabitants of Mendon to asseſſe the proprieto's of land that lue not in that toune, as they doe their oune not improved land, in all manner of rates, as well for their minister as otherwise, provided they rate their oune inhabitants in ſajd rates, both heads, stock, & improved lands, as the law directs for the country rates.

1684.

15 October.

It is ordered, that all persons living in Rowley Village, neere to Topsfeild, who are liable to attend military service on foot, shall attend their duty vnder the comānd of the cheife officer at Topsfeild, & be one company wth respect to military service.

Rowley village
souldi's vnder
y^e cheif officer
at Topsfeild.

In answer to the petiōn of Martha Dady, relict of the late W^m Dady, the Court judgeth it meet to referr the consideration of what is therein desired to the County Court in Charls Toune or Cambridge, on their examination to determine what they judg meet to be donne therein.

Ansr to Martha
Dadys petiōn.

In ans^r to the petition of the Reūnd M^r John Whiting, in behalf of himself & the rest of the children of M^r W^m Whiting, sometime of Hartford, this Court granteth to him & them one thousand acres of land, in ffull satisfaction of all that tract purchased by M^r Hopkins & the petitioners father, at or neare Westfeild, provided it doe not pjudice any former grant, nor hinder any plantation for a towneship hereafter to be settled.

Ansr to M^r
Jn^e Whittings
petiōn, &c.

*In answer to the petition of Priscilla Waldron & John Vsher, administrators of the estate of Isaac Waldron, the Court judgeth it fitt to impower the administrators to sell what land shall be found necessary for the payment of the debts of the deceased, provided it be donn with the advise & approbation of the County Court of Suffolke.

[*456.]

Ansr to Priscil
la Waldron &
Jn^e Vshers pe
tiōn.

In answer to the petiōn of John Giffard, declaring that, at the suite of Thomas Walters, attorney for John Wright, Esq^r, he hath been now a prisoner vpon execution fower yeares & seven moneths, and that the principalls being dead, sajd Walters hath denjed to make answer to the sajd Giffards in his action of revejw, as attorney to the sajd Wrights, whereby the sajd Giffard is rendered vncapable of hauing easement by a revejw of his case, and without the favour & justice of this Court shall inevitably perish in prison for want of meet suppljes for his releife, the aboue named Thomas Walters appearing in this Court, disclajmed all power to act as attorney on behalfe of sajd Wright, and withdrew himselfe out of the Court, refusing to make any further answer to the complaint of the sajd Giffard, or to discharge the prison dues of sajd Giffard, nor yet shewing any estate he hath concealed whereby he might releive himselfe, —

Ansr to M^r
Giffards peti-
ōn.

The Court, hauing weighed the necessitous & perishing condition of the prisoner, with other considerations, doe heerby order & declare, that, vnless

His release on
condition.

1684.

15 October.

sajd Walters, or some other in behalfe of sajd principall, doe, within ten dayes, appeare & give caution to the keeper for the discharge of the prisoners, & other necessaries for the releife of the sajd prisoner, the secretary shall grant his warrant to the keeper for his release, he, s^d Giffard, paying prison fees & charges then due.

Ans^r to M^r
Wade & Peter
Tufts peti^on,
Meadford a pec-
uliar.

In answer to the petition of M^r Nathaniel Wade & Peter Tufts, in behalfe of the inhabitants of Meadford, the Court judgeth it meete to grant the petitioners request, and declares, that Meadford hath binn & is a peculiar, and haue power as other townes as to prudentials, &c.

Marshall Gen^{ls}
sallery, 40th p^r
annu.

Whereas the marshall generalls sallery is not yet stated, it is ordered by this Court & the authority thereof, that the marshall generalls sallery, for time to come, be forty pounds p annū, twenty pounds thereof in money, and twenty pounds in country pay, any law, vsage, or custome to the contrary notwithstanding.

Ans^r to M^r
Seawalls peti-
oⁿ.

In answer to the peti^on of Samuel Seawall, Esq^r, humbly shewing that his house of wood in Boston, at the hill where the Reuerend M^r John Cotton formerly dwelt, which house is considerably distant from other building, & standeth very bleake, he humbly desiring the favour of this Court to grant him liberty to build a smale porch of wood, about seven ffoote square, to breake of y^e winde from the fore doore of sajd house, the Court grants his request.

[*457.]

*To the Kings most excellent Majesty.

Courts ad-
dresse to his
maj^{ty}, &c.

The humble peti^on & addresse of the Governo^r & Comp^y of the Massachu-
setts colony in New England.

May it please yo^r maj^{ty}: —

That old and wise saying, that a divine sentence is in the mouth of the king, together wth the large experience your kingdome haue had of it during your maj^{ties} peaceable reigne, and our oune tranquility vnder yo^r shadow, makes vs bold to supplicate or to plead our cause wth your majesty, being humbly confident of your clemency & justice, that wee shall not be condemned vnheard or before wee haue legall notice.

The cause & ground of our fathers (and of some yet living) leaving all that was deare to them & us in England to come into this wilderness, a land then not inhabited, (but by the Indians, of whom wee purchased the right,) was not out of dislike to the civil government, which wee alwayes highly prized, and accounted, at y^e least, æquall to the best in the world, nor of the doctrine of the church of England, which, for the substance thereof, wee oune, embrace, & professe, but to auoyd the severity then exercised in many

1684.

15 October.

places, because their consciences could not permit them to conforme to some ceremonjes of the church strictly imposed, accounted by some indifferent things, but to them otherwise. And therefore, to avoyd giving offence to his maj^y, or vndergoing that burthen they were not able to beare, they chose rather, in a quiet, orderly manner, to leaue their dearest native country, comitting themselues to the prouidence of the Most High, to encounter the difficultjes both of the sea & the wilderness. This his maj^y Charles the First, of happy memory, well vnderstood, who freely & graciously granted them a patent for this place, with the priuiledges therein conteyned, to them & their successo^rs for euer; and vpon the confidence & security of that royall grant, transplanted themselues hither, where they & wee haue lived as exiles & great sufferers, grappling with many difficultjes, daingers, wants, and necessitjes, formerly & of later times with the cruell & chargeable warr with the Indeans, supported only by the goodness of God & the gracious shines of your maj^{ties} favour, w^{ch} wee desire euer to acknowledge wth all gratitude and thankfulness; nor haue wee binn altogether vnserviceable to yo^r maj^{ty} here, but vnder yo^r majestjes protection & favour, haue, at our oune charges, subdued & secured a large tract of land, as an addition to yo^r maj^{ties} dominions, which otherwise probably would haue been possessed by some other nation; for most of all the other plantations & jurisdictions betwixt New Yorke and the French had their rise & beginning, or at least their increase & support, from this, both before & especially in the time of the Indean *warr, when, wthout assistance from hence, they had in all probabilitie binn vtterly destroyed. And as nothing hath binn more comfortable & encouraging to us in the midst of our sorrowes and sufferings then yo^r maj^{ties} royall favour & indulgence, formerly intimated in seuerall of yo^r gracious letters, as to the acceptance of our setlement & confirmation of our charter, so nothing hath or can be more greivous & afflictive to yo^r maj^{ties} loyall subjects heere then to vnderstand yo^r maj^{ties} displeasure so farr provoked as to cause a quo-warranto to be taken out against our charter. And since that, as wee haue binn informed by a private letter, a scire facias and aljas were issued out of the Chancery against us, directed to the sherriff of Midlesex, and returned within sixe weekes, without legall notice to us, and that judgement thereon was entred. Not being conscious to ourselues that wee haue wittingly donn any thing to the just offence of your maj^{ty} thrō our weakness and ignorance, we beleive & readily acknowledge wee may haue comitted some vnwilling erro^rs or mistakes, for which wee prostrate ourselues at your maj^{ties} feet, humbly begging and imploring your majestjes free pardon & forgiveness, with the continuance of our charter & priuiledges therein conteyned. And wee hope for the future,

[*458.]

1684. next to our pleasing God, wee shall studdy your maj'ties satisfaction in all things, and to render ourselues your maj'ties most loyall and obedjent subjects & supplicants. And as in duty bound, shall euer pray, &c.

15 October

Courts letter to Mr Robert Humfreys.

Mr Robert Humfreys, sent wth y^r address by Mr Balston, 7th November, 84.

S^r : Wee had oppertunity, by a ship which accidentally touched here from Jamajca about two moneths since, to signify the receipt of yours by Mr John Balston, and that a Court was called to consider the contents, & what was further for vs to doe, which hath since beene attended. On consideration of the whole, wee are not a litle surprised to vnderstand the procedure against us. Wee haue endeavo^d, from first to last, to attend his maj'ties comānds in appearing and making answer to what was objected against us, p our agents, once and againe ; & afterwards, when a quo warranto was sent ouer, which, by order of the council, was to be deliuered to the Governo^r & Company,

[*459.] *appointed yourselfe and fully impowred yow to appeare for us, which *which* wee concluded did fully answer the direction of their lordšps wth the methods taken in prosecution of it ; for it was neuer heere served on the particullar persons named in the warrant, & our agents wholly deny that it was neuer served on themselues in England, as yow seeme to intimate. That now a scire facias should come from the Chancery, directed to the sherriffs of Middlesex, & to be returned within six weekes, & procedure against us vpon their returne of two nihills, cañot but amaze us. Wee hope wee haue not forfeited the priuledge of Englishmen, that wee should be condemned vnheard, much less without being sumōned to appeare, which yow know was impossible in the time prefixed. Wee trust wee haue that to say for ourselues that might, in some measure, sattisfy or at least prevent so severe a sentence as condemnation of our charter ; but by what yow signify hath passed, wee are wholly deprived of the oppertunity. Whateuer the methods of law are, which wee pretend not to a thorow acquaintance with, yet know they are grounded on right reason ; and wee are not willing to dispajre of a further and a more favorable consideration of our case by those from whose justice wee implore releife. Howeuer, wee returne yow our hearty thanks for your care, paines, & faithfullness in our behalfe by yourselfe & those chosen for your counsell. Wee know not what could be doñ more, nor cannot direct for future ; but if yow shall finde any way for our advantage, wee are confident in your endeavors, and doe assure yow wee shall not be ingratefull. Wee haue againe ordered one hundred pounds into Mr John Ives hand, where, as yow haue occasion, yow may call for it ; and as more is needfull, yow may expect on notice. Wee haue likewise sent our humble addresse to his maj^{tye}, w^{ch} pray let be pre-

Courts letter to Mr Humfreys.

sented in the best manner yow can. Yow had had this sooner, but this is the first oppertunity since our former abouesajd, which, with our kind respects to yo^rselfe, & to our honored & worthy freinds, your counsell, whose labour of loue wee hope and pray God to compensate. Not willing to give yow further trouble at present, remajne

Your assured loving freinds.

By order of the Gofino^r & Company of y^e Massachusetts.

EDWARD RAWSON, Secre^t.

Boston, 15th October, 1684.

1684.

15 October.
Courts letter to
M^r Humfreys.

*In answer to the petition of M^{rs} Elisabeth Rogers, relict & administratrix of the late Reind M^r John Rogers, præsident of Harvard Colledge, humbly requesting the favo^r of this Court to grant hir liberty to sell lands not exceeding the value of one hundred & fifty pounds or two hundred pounds, for the discharging of his mony debts, &c, the Court refers the matter to the County Court of Ipswich to enquire & examine what may be due from the estate of the sajd M^r Rogers, and doe heereby impower the sajd administratrix to make sale of such parcell or parcells of land as may sattisfy the same, provided it exceed not the sume of two hundred pounds, for the discharging of such debts, & y^t there be no other convenient estate to make payment thereof, & that all be donn wth the advice & consent of the sajd County Court.

[*460.]

Ans^r to M^{rs}
Rogers peti-
tion.

On the request of Cap^t Richard Brackett, being aboue seventy three yeare of age, & infirmitjes of age vpon him, hauing desired formerly, & now also, to lay doune his place as cheife military comāder in Braintry, the Court grants his request, & doe order, that Leiftenēt Edmond Quinsey be captain of the foot company in Braintry in his roome, & Robert Twelues his leiftenēt, and M^r Samuel Thompson ensigne, & that the secretary issue forth comissions to them accordingly.

Edmond Quin-
sey cap^t, Rob-
ert Twelues
leif^t, and Sam-
Thompson en-
sign., of Braintry.

Cap^t Jn^o Phillips & M^r Joseph Lynde refusing to act according to y^e order of this Court, 10th September last, this Court doth impower & appoint Robert Knight to make sale of any part of the estate of Nicholas Shapleigh, late of Charls Toune, deceased, to sattisfy for the past & future maintenance of the widow, & the remainder to be to the children, and sajd Robert Knight is to giue an account of his doings therein to the County Court of Middlesex.

Robert Knight
impowred ab^t
M^r Shapleys
estate.

In answer to the petition of the inhabitants of Cambridge, it is ordered, that the toune of Cambridge be allowed tenn pounds p ann out of their country rate, in country pay, towards the maintenance of the bridge there, provided the sajd bridge be kept in continuall good repaire.

Ans^r to Cam-
bridg peti^{ti}on,
10th p^r ann. all.
out of y^rir
country rates.

1684.

15 October.
Ans^r to Israel
Reads petiçon.

Quansigamond
called Worces-
ter, & Cap^t
Wing of y^e co-
mīttee. Their
brand m^ke,

+++

[*461.]

Courts judg-
ment inter Lef^t
Baker & Lef^t
Putnam.

In answer to the petition of Israel Read, humbly desiring the favour of this Court to grant him a licence to keepe an ordinary in Wooborne, the Court, hauing appointed a number of ordinary for the townes, which is not yet altered, see no cause to grant his request.

Vpon the motion & desire of Major Gen^{ll} Gookin, Cap^t Prentice, & Cap^t Daⁿ Hinchman, the Court grants their request, i. e., that their plantation at Quansigamond be called Worcester, & y^e Cap^t Wing be added & appointed one of the comīttee there, in y^e roome of the deceased, & that their toune brand marke be thus +++.

*In the case now before the Court, betweene Lef^t Thō Baker, of Topsfeild, plaintiff, by petiçon, against Lef^t John Putnam, defendant, in an action of trespass touching the falling of a tree, the Court, on a full hearing of the case, & all the evidences & records which may give light therein, doe finde for the present plaintiff fowerteen pence damage, & costs of Courts, & forty shillings for hearing the case at this Court, the whole eight pounds twelue shillings & eight pence.

Courts finall
judg^t in W^m
Hawkins case,
&c.

Vpon the returne of the comīttee, & surveigh obteyned by petition of W^m Hawkins, and Anna his wife, concerning certeine lands at Reading, claymed by the petitioners, this Court, hauing had a full hearing of the case, the evidences on all sides remayning on file in the records of this Court, doth therefore order and determine, as a fynall issue of all controuersy in or about the premisses, that the hundred and twenty one acres of land lying betweene the southerly side or bounds of the Newhalls lotts and the southerly side or bounds of old M^r Robert Burnetts, alias Burnaps, land, as p the plott appeares, shall, wthall convenient speed, be, by a sworne surveyo^r, divided and lajd out into three æquall parts & proportions, according to the originall grants of the toune of Lynn, as other lotts lye in length from east to west, wth all its appurtenances, and that that bigger part thereof lying next to the land of the sajd Burnet, Seⁿ, towards the north, is vndoubtedly and shall be accounted the land, and be in the plenary possession of the sajd Willjam Hawkins, in the right of his wife Anna, the daughter & heire to Edward Bircham, deceased, and that each party shall beare their oune charge, and that the marshall gennerall be ordered to put the petitioner into the possession of the premisses.

Ans^r to W^m
Dyres petiçon.
County Courts
adjournm^t to 1st
Tuesday in No-

In ans^r to the petition of W^m Dyre, Esq^r, humbly desiring the favour of this Court to grant him an audit in his case, &c, the Court sees no cause to grant the petitioners request therein.

[*462.]

uember next.

*This Court, considering the weighty affajres that are before them, which will take vp more time then was expected, see cause & doe hereby adjourne

the County Court of Suffolke, w^{ch} was to sitt next Tuesday, to the first Tuesday in November next, & notice to be given accordingly; w^{ch} was donne.

1684.

24 October.

1. Propositions made by M^r Stephanus Van Curtland, authorized by the government of the Massachusetts colony in New England, to the Macquase sachems, in the Toun Hall of Albany, the 30th day of July, anno Domini 1684.

Macquars articles of agreement, &c.

2. That the government of y^e Massachusetts colony haue & euer had a brotherly correspondence with the seuerall races of Macquars; that, because it hath binn firmly & inviolably kept on their parts, as well as ours, the longer it continues, of the greater value wee doe account it.

3. That wee giue yow our thanks for the present left us at Albany with Richard Pretty, which, because of the great distance from vs, was sometime before wee had aduice thereof, and the winter coming on, hath prevented our coming, vntil now, to rattefy our freindship with yow.

4. That there were two persons sent from your brethren of the Massachusetts to haue come and seene yow at this time; but being a while since at Yorke, and finding that his hono^r the Goũno^r was not then ready for his journey hither, & their occasions not allowing long stay, they, with the Goũno^rs aduise, impowred me to make their present and rattify their former & happy freindship wth yow in their behalfe. Doe giue yow ninety gilders wampam, thurty ells duffills, twelve shirts, one duzen stockings, three fatts rom, fower roules tobacco.

Present, The R^t Honno^{ble} Francis, Lord Howard, Barron of Effingham, Goũ Gennerall o Virginea, the R^t Hono^{ble} Co^t Thō Dongan, Goũn^r Geñll of New Yorke, wth the magistrates of Albany.

Interpreter, Arout Corn Vile. The names of sachems: Odianne, speaker, Connandondaw, & Shachdricquis, Rode, Hankedew, Sarighto, Taskanoonda.

The Macqua^s sachems answer to the propositions made by M^r Stephanus Cortland, agent for the colonie of Massachusetts in N. England, in the toun hall of Albany, the 31th day of July, 1684.

*1. Wee thank the brethren of Boston for your proposalls made to us three yeares agoe, which wee answered last yeare, and retuend yow thanks, and wee thank you for the present given us yesterday. Doe giue two beavers.

[*463.]

2. Wee are glad the couenant is kept so fast on both sides. Wee shall neuer be wanting on our parts, but shall keepe it firme and inviolable, and yow must doe the same. Do give two beavers.

3. Wee see yow haue vnderstanding to keepe the couenant well, by your

1684. comming heer to renew the same. Let the way be kept cleane, and let no brush or rubbish grow thereon, that the couenant may last for euer. Do give
 24 October. two beavers.

4. This is the couenant house. When any couenants are renewed, this is the p̄fixed place, which must be kept clean. And doe give two beavers.

5. The couenant chajn must be kept clear and bright; and wee all, viz^t, our gouerno^r, the gouernor, the gouerno^r of Virginea and the Massachusetts colony, and wee Macquars, are in one couenant. Do give two beavers.

6. Wee doe plant here a great tree of peace, whose branches do spread abroad as farr as the Massachusetts colony, Virginea, Maryland, and all that are in freindship wth us; and do liue in peace, vnitje, & tranquillitje vnder the shade of sajd tree. And doe giue two beavars.

7. Brethren of Boston, wee do again acquaint you, that when any couenant is to be renewed with us, it is to be don in this Courthouse. Do giue two beavars.

8. Wee renew the couenant again, and do make the chain bright and clear, and hope the brethren of Boston will doe the same, and suffer no rust to come vpon it. Do giue two beavars.

This is a true copie, translated, compared, & reuised by me.

ROB^{MT} LEUINGSTON, S^c.

Macquars artickles of agreement as to them, &c, returnd, & read in Court, the whole Court being together, 24 October, 1684, & stands this here recorded, word for word.

p order.

EDW^D RAWSON, Sec^f.

[*464.]

Ans^r to Mr
Jn^e Clarks pe-
tition.

*In answer to the petition of Mr John Clarke, the Court grants the petition, provided the petitioner make his appearance at the next County Court in Suffolke, to answer the crjme charged against him, for which he gaue bond, and abide the judgment of sajd Court.

Day of thanks-
giving, 9th No-
v^r next.

The Lord our God hauing mercifully smiled vpon the people of this colony, graciously answering our prajers, by restrejning the excesse of rajne in the spring season, and hath also reserved vnto us the appointed workes of the harvest, and doth yett continue vnto vs our libertjes, both ciuil and ecclesiasticall, thrō his great long suffering towards us, our great vnworthiness notwithstanding, —

The goodness of God herein calling for our highest acknowledgments, this Court haue therefore appointed the 9th day of October next as a day of thanksgiving to God thrōout this colony, that the Lord may not be

provoked to cut us short for want of returning to give God the glory, comēding it to the ministers to take due care about it in their places, and inhibbiting s^vile labour to all people on that day.

1684.

24 October.

Att a meeting of the comīssioners at Hartford, 5 September, 1684.

Day of humil-
liation.

The commissioners of the colonjes, considering what neede there is of our solemne addresses to God, by fervent prayer and humilljation of ourselves thrōout the country, by reason of those rebukes and threatnings from Heaven which wee are at present vnder, his hand being stretched out still, and also to implore grace for and the powring out of his Spirit vpon the rising generation, haue thought meet to recōmend it to the seuerall governments that the 22th day of October next maybe obserued as a day of solemne humilljation, to the end that wee may meete together in vnited prayers at the throne of grace, for the more effectuall promoting of the worke of gennerall reformation, so long discoursed of among ourselues, (but greatly delajed,) and that wee may obteyne the favour of God for a further lengthning out of our tranquility vnder the shadow of our lord the king, and that God would preserue his life, & establish his croune in righteousnes & peace for the defence of the *the* Protestant religion in all his dominions.

ROBERT TREAT, President.

*In concurrence wth the pious & seasonable motion made by the honno^d commissioners of the Vnited Colonjes, also considering the Lords hand vpon us by the epidemicall sicknesses, this Court doth order, and heereby enjoyne & require all the inhabitants of this jurisdiction, and such others as are residing among us, the observance & keeping of the 22^d day of October next as a solemne day of humilljation and prayer in manner as is aboue provided, recōmending it to the minnisters of the seuerall churches & congregations to attend in their places the worke of the day; all servile labor on that day being prohibited.

[*465.]

Sep^r 17, 1684.
Printed Octo-
ber, 84.

In answer to the petition of the Praying Indeans on the one part, & the inhabitants of Marlborough on the other part, it is ordered, that Daniel Gookin, major generall, Left W^m Johnson, & Cap^t Elisha Hutchinson, Esq^p, with M^r Henry Bartholmew, M^r Joseph Cooke, & Left Nathaniel Sternes, be a comītee to inquire into the complaint of the Indeans, & make report of what they finde to be any breach of any of the acts of this Court respecting sajd Indian plantation, that so all occasions of complaint may be avoyded, & the honno^r of this Court may be mainteyned, and make their returne as to the prosecution of this affayre to the next Court of Election; the magis^{ts} to

Comītee as to
Marlborow.

1684.

appoint time & place of meeting; the charge of the committee to be borne equally by both parties concerned.

24 October.

Committee abt
Mr Rice his
clajme, &c.

In answer to the petition of Mathew Rice, nere Sudbury, it is ordered, that Thomas Danforth, Esq̃, Dep^t Goṽ, Daniel Gookin, Esq̃, major gennerall, & Samuel Nowell, Esq̃, wth Leiuetenānt Sternes, Mr John Heines, & Mr Symon Stone, be a committee of this Court to examine the clajmes of Ensigne Jn^o Grout, and the land petitioned for, and to state the līne betweene Dedham & Naticke, and make report of what they finde to the next sessions of this Court, before any proceeding in this matter, and that some of Natick Indeans whom the committee appoints shall attend, to shew the bounds claimed by them; the charge to be borne equally by the petitioners.

[*466.]

Ans^r to Cam-
bridg inhabit-
ants petico, 10th
in country pay
allowed y^m,
&c.

*In answer to the petition of Mr Samuel Andrews, in behalf of the inhabitants of Cambridge, it is ordered, that Cambridge be allowed tenn pounds p añ out of their country rate, towards the maintenance of their cart bridge ouer Charls Riuer, provided the bridge be kept in continuall good repajre, & that the tenn pounds allowed be in country pay.

Laws for the
press.
15 Novemb.,
84.

It is ordered, that Elisha Cook, Esq̃, Mr Saffyn, and Mr Faireweather, wth the secretary, be a committee to pervse & fitt the lawes for the presse, & to pvse the addresse, & the Courts letter to Mr Humfreys.

Tresurers al-
lowanc, 12^d in
y^r ^u, & former
committee to
perfect his ac-
count & give
discharge, &c.

Vpon pervsall of the committees returne who examined y^r Treasurers acco^t, the Court, finding y^t there is no certeine stipend allowed him for his paynes in the discharge of trust committed to him as Treasurer of the country, doe heereby order, that his allowanc shallbe for this present yeare respecting his last account one shilling in the pound, he standing to the loss of measure & charge of warehouse roome; and that the aforesajd committee respecting the Treasurers accounts are heereby impowred to perfect what is wanting to be donn in that last account, & therevpon to give him a discharge.

As attests

E. R., S.

This Court was dissolved.

By the Goumo^r & Company of the Massachusetts Bay in New England, at a speciall Gennerall Court, called by y^e honno^r^{ble} Gou & Assistants in Boston, to sitt in Boston 28 January, 1684, & y^en sat.

1684-5.
28 January.

PRESENT, Symon Bradstreet, Esq^r, Gō,
Thō Danforth, Esq^r, Dep^t Gō,
Daniel Gookin,
Nathanī Saltonstall,
Humphry Davy,
Maj^r Jn^o Richards,
Samuel Nowel,
James Russell,
Sa^m Apleton,
Elisha Cooke,
W^m Johnson,
John Hatho^r,
Elisha Hutchinson,
Samuel Seawall.

Y^e names of y^e dep^ts were, —

AT the opening of this Court the Gouverno^r declard it, y^t on the certeine or generall rumo^s in M^r Jenner, lately arrived, y^t o^r charter was condemned, & judgment entred vp, &c, they lookt at it as an incumbent duty to acquaint the Court wth it, & leaue the consideration of what was or might be necessary to them, &c.

Whereas the law concerning building wth brick in stone in Boston seemes to prohibitt all manner of building or buildings, though neuer so small, of wood or timber, and in regard there is a necessity of many convenient places about houses to be built for shelter, which cannot conueniently be donn with brick or stone, this Court doth order, that it shall & may be lawfull for any person or persons to erect any small bujlding, provided it doe not exceed eight ffoote square, & seuen ffoote studd of wood or timber, any law to the contrary notwithstanding, provided they haue the approbation of the selectmen of sajd toune.

This Court, considering our present sad & awfull circumstances, & the increasing tokens of the Lords displeasure against us, together with the distressed condition of the people of God in other places, calling us to humble

Humiliation.

1684-5. ourselves before him, do therefore appoint the 12th day of March next to be kept as a solemne day of humilljation throughout this colony, & doe recomēd it to all the ministers & people in their seuerall congregations to attend y^t worke, hereby prohibbitting all s̄rvile labo^r on that day.

28 January.

[*467.]

*To the Kings most excellent Majesty.

The humble address of the Gouverno^r & Company of the Massachusetts Bay in New England, assembled in Generall Court at Boston, 28th January, 1684, —

Sheweth, —

That your majestjes poore & distressed subjects of this colony haue binn long since transported & planted here vnder the most gracious & princely encouragement of yo^r majestjes royall auncesto^rs, of blessed memory, and since your majje happy restauration, haue had many gracious intimaçōs of your majjes fauorable regard & inclination toward us, and our good settlement and security heere, for which we renew to Almighty God & your majjes most humble thanks, as we ought allwayes; that since it hath pleased your majty to proceed in law against the charter of this your majjes province, in order to the vacating thereof, vpon the scire facias late brought against us in the Chancerje, of which wee neuer had any legall notice for our appearance and making answer; neither was it possible, in the tyme allotted, that we could. Had wee had opportunity, it would haue binn easy to demonste our innocency in what is objected against us. And we hope that heavy charge is beyond belcife, that we haue rajsed fifty thousand pounds p annū, converting it to our oune vse, inasmuch as the ordinary charge for the necessary support of the gouernment doth not amount to twelue hundred pounds a yeare; nor was there euer more raised on that accompt. And wee most humbly beseech your majje to allow us sincerely to proffess, that not one of the articles therein objected were euer intended, much less continnewed, to be doñ in derogation of your most royall prerogative, or to the oppression of your subjects.

It is matter of great greife & sorrow to our hearts, that, by being misrepresented as disloyall & disobedjent subjects, we are fallen vnder your majjes displeasure. Wee implore your majjes fauour, and humbly intreat that our great distance from yo^r majty^s royall court, *our pouerty and many evill circumstances, may be so graciously considered as that, of yo^r soueraigne grace, yow would be pleased to grant a pardon and amnesty of all our erro^rs, and the continuance of all our libertys & imūnitjes granted in our charter, vnder the security of which our worthy predecesso^rs vndertooke so great an adventure, and left their deare and native land, & very desireable enjoyments there, that

[*468.]

so they might ganne an innoſſentive retjrement to worſhip God according to the dictates of their conſcience, warranted by the word of God, which we alſo account more pretious then all our outward concernes, the continuance of which will erect for yo^r maj^{ty} a laſting monnument of praiſe, & thanksgiving in the hearts of the preſent & ſucceeding generations.

Wee humbly take leaue to add, that, notwithstanding the many ill representations & informations that lye againſt us, wee are true lovers of your majeſties perſon and of the Engliſh gouernment, and doe render unfeigned thanks to Almighty God for your moſt happy & miraculous preſervation hitherto, and ſhall not be wanting to doe our vtmoſt endeavo^r to promote your maj^{ties} peaceable and proſperous reigne, for which alſo, as in duty bound, we ſhall euer pray.

It is ordered by this Court, that John Richards & Eliſha Cooke, Eſq^s, with M^r John Saffyn, M^r John Faireweather, & M^r Edward Morris, who were formerly appointed by this Court to audit the preſent Treasurers accounts, and make returne to the Court, who haue already made ſome progreſs therein, be impowred to ſettle his accompts as farre as they are cleare, & to give him a diſcharge accordingly for the ſame.

In answer to the petition of M^r John Hubbard, the Court orders, that Majo^r John Richards & Captaine Eliſha Hutchinson, M^r John Saffyn, M^r Stoddard, & Leueññt John Phillips be a committee to peruſe and examine the petitioners accompts referring to the Caſtle, and give him a full diſcharge therevpon, as they ſee cauſe.

*In answer to the petiōn of John Blackwell, Eſq^r, on behalfe of himſelfe & ſeueral other worthy gent^{en} & others in England that are deſirous to remoue themſelues into this colony, for their encouragement, this Court grants vnto the ſajd John Blackwell, Eſq^r, for the ends aboue expreſt, a tract of land of eigh miles ſquare, in any free place lying within this colony where he ſhall judge convenient for a townſhip to be lajd out as the law directs, and that the ſajd townſhip ſhall haue ſuch powers, priuiledges, & libertjes as other townſhips, he & they ſetting in the ſajd place at leaſt thirty families and an able orthodox miniſter within three yeares next coming, and pay their proportion of the Indean purchase, if lajd out in the Nepmug country; and further, doe allow the ſajd townſhip freedome from country rates for three yeares after their ſettlement.

In ans^r to the motion & request of W^m Stoughton & Joſeph Dudley, Eſq^r, on behalf of Majo^r Thompson & themſelues, deſiring this Courts fauour to enlarge the time of their grant of their plantation, this Court doe enlarge

1684-5.

28 January.

Committee to audit y^e Treasurers accompts & give a diſcharge.

Committee to audit M^r Hubbards accounts, &c.

[*469.]

Courts grant to Cap^t Jⁿ Blackwell, Eſq^r, 60 eight miles ſquare, &c.

Courts enlarg^{mt} of tim for ſetting Major Thompson, W^m Stoughton, & Joſeph Dudley, Eſq^{rs}, plantation.

1684-5. the time for settling that plantation therein mentioned the space of three yeares from this day, January, 1630. [*sic*]

28 January.
Enlargment of
Roxbury plan-
tation.

In answer to the petiçon of Edward Morris, deputy, on behalfe of the toune of Roxbury, humbly desiring the favour of this Court to enlarg the time of their settlement of their plantation granted to them, for three yeares from the day of y^e date hereof, 31 Jañy, 84, and freedom from rates during that time, the Court grants the petiçoners request.

Tho. Thirston
to solemniz
marriag in
Meadfeild.

In ans^r to the petition of Samuell Mills, &c, the Court grants the petiçoners request, and doe hereby appoint & inpower Leifft Thomas Thirston, of Meadfeild, to solemnize marriage to such as shall desire it there, they being published according to law, & one, at least, of the parties living in that toune.

[*470.]

*It is ordered, that Samuel & Elisha Cooke, Esq^s, be a comittee of this Court wth the secretary, to draw up a letter in the name of this Court to Robert Humphreys, Esq^e, & enclose this Courts adresse to his majesty therein, earnestly desiring the same to be humbly presented to his maj^{ty} with all speed, w^{ch} was donn, & is: —

M^r Robert Humphreys.

Worthy S^r: Although wee haue receiveed no particullar information from yourselfe concerning our affayre, yet being by rumour informed that our charter is condemned, & judgment entred vp against us, our Generall Court haue agreed vpon this enclosed adresse, to be presented to his majesty, and doe request your assistance for its speedy presentation.

How farr wee are indebted to yourselfe we know not, till we heare it from yow. We would willingly discharge our debts while we haue it, especially to yourselfe, to whom, for your freindship, as well as service, we are deeply indebted. Our Trasurer hath given order to M^r John Ives to be making payment of our debts, in part, as far as our effects will goe.

And the Gennerall Court doe hereby, withall thankfullnesse, acknowledge their obligations to yourselfe and these honored and worthy gentⁿ who are of council for us, still requesting of yow and them that, by the first opportunity, wee maybe from yourself what maybe needfull for us to do vnder our present circumstances, as also what is past concerning us. Not to give yow further trouble at present, we are,

Yo^r assured freinds & servants.

EDWARD RAWSON, Secre^t.

In the name & by y^e order of y^e Goũno^r & Company of the Massachusetts.
Boston, 31 July, 1684.

& was directed to Robert Humphr^s, Esq^e, at his chamber in the Kings Bench lodgings, in the Innē Temple.

In answer to y^e petition of Mary Salter, widdow, &c, it is ordered, that the case be respitted till the Generall Court in May next, and that all parties haue notice thereof, & be then heard. 1684-5.

*There being seuerall of our vessells yet behind in England, and so possibly wee may heare further, either from M^r Humphreys or some other, wee having as yet received no particclar inteligence about the entring vp of judgment against us, — 28 January.
Ans^r to Mary
[*471.]
Salters peti-
con.

It is therefore ordered & concluded, that this Generall Court be adjourned till the 18th day of March next, being Wednesday, at one of the clocke in the afternoone.

The Gouverno^r, in open Court, declar'd that this Court is accordingly adjourned to s^d time, as aboue, 18th March, 1684, at one of the clock. 31 January,
1684.

At an Adjournment of the speciall Generall Court, from 28 Jañy to y^e 18th March, 1684, at one of y^e clocke. 18 March

PRESENT, Symon Bradstreet, Esq̃, Goũ,
Thõ Danforth, Esq̃, Dep^t Gõ,
Daniel Gookins,
Nath Saltonstall,
Humphrey Davy,
Jn^o Richards,
Samuel Nowell,
James Russell,
Safñ Apleton,
Robert Pyke,
Elisha Cooke,
W^m Johnson,
Jn^o Hathorne,
Elisha Hutchinson,
Samuel Seawall,

} Esq̃s.

THE Court mett at the tyme, & taking notice of the great neglect that there is found in seuerall persons who are intrusted to see the observation of such orders as from time to tyme hath binn enacted, especially such as Order as to ref-
ormation.

1684-5. haue a tendency to the reformations of such euills as are found amongst us, do therefore order, that the selectmen, grand jury men, constables, & tithingmen of all townes within this jurisdiction are heerby strictly required to doe their vtmost to be faithfull in the discharge of their respective dutjes as to Saboath breaking, typling, & drincking, & toune dwellers mispending their time in publick houses of entertainment.

Order advising
to renew ch.
couen^t, &c.

Inasmuch as nothing can be a more effectuall meanes for the lengthning out of our tranquillity than our serious and speedy application of ourselues to the use of such due & meete methods for preuenting or remoouing those prouoking euills which are amongst us, together with our solemne engagements against the same, by renewing our couenant with God, which hath binn neglected too much in the most churches; this Court also considering how slow to anger the Lord hath shewed himselfe, which bespeakes his willingnesse yet to be preuailed with, if duely applied vnto, doe heereby recommend it to the ministers and churches in this jurisdiction that, with as much speed as maybe, they would consider what aduice or direction was given to this end by the late synod, and to prosecute the same to effect, and to use all possible wajes & means for the vpholding of church discipline, & to that end that there be a ffull supply of all officers which are necessary there vnto.

[*472.]

*By y^e Go^ono^r & Company of y^e Massachusetts Bay in New England.

Former grants.
Order confirm-
ing all former
grants, &c.

Whereas this Court, for the prevention of quæstions and suits at law that might arise vpon deeds & conueyances of houses and lands, wherein the word 'house' is omitted, when as an estate of inheritance was intended to be passed, did, by the law, title Conueyances, Deeds, and Writings, sect 2^a, order, that in all deeds and conueyances of houses and lands in this jurisdiction, wherein an estate of inheritance is to be passed, it shall be expressed in these words, or to the like effect, viz^t: To haue and to hold the sajd house or lands respectively to the partje or grantee, his heires and assignes for euer, and therein provided, that that law should not extend to any land granted or to be granted by the inhabitants of a toune, thereby intending, although it is not so plainly expressed, that such grants of land by townes are an estate in fee simple, notwithstanding the word 'heires & assignes for euer' are therein omitted, the aforesajd law being intended for the direction of priuate persons onely in their particular deeds and conueyances of land from one to another.

As an explanation of the sajd law, title Conueyances, Deeds, & Writings, and addition therevnto, it is therefore, by this Court and the authority thereof, ordered, enacted, and declared, that all such orders or grants of land heertofoe made by this Court, or by any toune or townes in this jurisdiction, were

and are intended, and shall be construed and adjudged in the law, to be an estate in fee simple, and are hereby confirmed to the said persons and townships, their heirs and assigns respectively for ever, provided always, that such grants as do expressly declare otherways, viz^t, to be for terme of life, or for terme of yeares, or during pleasure, or the like, shall not be included in this explanation or law; and when any person or persons shall take out an exemplification of any such graunt of this Court, vnder the secretaries hand, and desire the seale of this colony to be affixed therevnto, the Govern^r for the tyme being is hereby ordered and impowred, in his testimoniall, to insert that the said graunt of lands is confirmed by the Generall Court held at Boston, March the 18th, 1684, to the said grantee or grantees, and to their heirs and assigns respectively for ever.

By the Court.

EDWARD RAWSON, Secre^t.

1684-5.

18 March.

*In answer to the petition of M^r Deane Winthrop, this Court graunts his peti^{ti}ōn, and orders James Russell, Esq^r, country Treasurer, that he pay (as soon as may be) vnto the said Deane Winthrop, or his order, the third part of y^e two hundred pounds given by the Generall Court, as is expressed in said petition, viz^t, sixty six pounds thirteene shillings and fower pence, in country pay, and take his receipt in full of his part of said gift.

[*473.]
Ans^r to M^r Deane Winthrops peti^{ti}ōn, 66 13 4 to be p^d him.

In answer to the petition of Symon Pecke, Sa^m Read, Josiah Chapin, &c, select mē, in behalfe of the toune of Mendon, the Court grants the said peti^{ti}ōners freedome from country rates for the yeare ensuing.

Ans^r to Mendon peti^{ti}ō, y^e are rate free for y^e yeare 1685.

In answer to the petition of Goodman W^m Trescot & Cap^t Capen, of Dorchester, it is hereby ordered, that M^r Henry Allen, M^r Edward Morrice, & Ensigne Thompson shall & hereby are empowred, as a cōmittee, to make enquirje into the difference w^{ch} is amongst them relating to fencing of their land, w^{ch} hath binn presented to this Court, to make returne of what they judge meet to be don therein to the next sessions of this Court.

Ans^r to Cap^t Capen & W^m Trescott, &c, peti^{ti}ō.
Comittee.

In ans^r to the petition of Cap^t John Wajte, humbly desiring the favour of this Court to dismiss him from further attendance on his place of cap^t, besides his age, God having incapacitated him by taking away his sight, the Court grants his request.

Cap^t Jⁿo Wajtes dismission.

In answer to the petition of John Fiske, of Wenham, a sore wounded soldjer in the late Indean warr, & thereby incapacitated to gett his living, humbly desiring the favour of this honoured Generall Court (having the approbation of the select men of said Wenham) to grant him a licence to keepe a publick house of enterainment there, wth freedome from country rates, and also liberty to sell drinke free from imposts & excise.

Ans^r to Jⁿo Fiskes peti^{ti}ōn.

1684-5.

18 March.

Courts ans^r to
Capt^e Black-
wells motion.

In answer to the petition of Cap^t John Blackwell, this Court declar-
eth, that the grant made to him of lands for a towneship at last sessions of
this Court is to be vnderstood & interpreted to be to him & them that shall
orderly associate themselues to him for planting & setling the towneship, and
to their heires & assignes foreuer, and this Court doth hereby accordingly con-
firme the same.

[*474.]

Courts act as
ans^r to ouiseers
of y^e children
& estate of
Tho. Brigham.

*In ans^wr to the petition of the ouerseers of the children & estate of
Thomas Brigham, for confirmation of the sale of certeine houses & lands left
by him to his wife & children, the Court, on persvall of the will of the sajd
Brigham, thinkes meet to grant the peti^{ti}ōn, provided that the ouerseers doe
give security to the County Court to the vse of the children for the principall
& effects as is exprest in the petition, it appearing to this Court that the aboue-
sajd order was passed by the Generall Court in the yeare 1656, & although
the engrossing thereof was omitted by the secretary, yet doe find it was entred
in the register of the Courts acts by the deputjes, this Court doe order the
secretary to enter sajd order in this Courts records which is as aboue.

Courts ad-
jour^{nt} to the
6th of May.

It is ordered, that this Court be adjourned to the first Wednesday in
May next, at eight of the clocke in y^e morning, and that if there be occasion,
y^e Gouverno^r may please to give order y^t it be signified to the seuerall townes.

1685.

6 M^y.

*By the Gouno^r & Company of the Massachusetts Bay in New
England, at a Generall Court, by adjournm^t, held at Boston,
6th May, 1685.*

PRESENT, Symon Bradstreet, Esq^r, Gov,
Thō Danforth, Esq^r, Dep^t Gō,
Daniel Gookin,
Nathā Saltonstall,
Humphry Daury,
Jn^o Richards,
Sa^m Nowell,
Sa^m Apleton,
John Woodbridge,
Elisha Cooke,
W^m Johnson,
Jn^o Hathorne,
Elisha Hutchinson,
Sa^m Seawall, Esq^rs.

* * **T**HE Gouverneur and Company of the Massachusetts Bay in New England: 1685.

To all to whom these presents shall come send greeting. Know yee, that in pursuance of an order or grant of the said Gouverneur & Company, at a Generall Court, held at Boston, the day of , and of a further order or grant of the said Gouverneur & Company, at a Generall Court, by adjournment from the 28th of January to the 18th day of March, 1684, and from thence to the 6th of May, 1685, as an explanation of the law, title Conueyances, Deeds, & Writings, and as an addition therevnto, the Gouverneur & Company of the Massachusetts Bay in New England aforesaid haue given & granted, and confirmed, and by these presents for them, & their successours for euer, doe give, grant, & confirme vnto A B, of (), his heires and assignes, (here insert the lands, with all the certaintie that may be,) to haue & to hold all and singular the said lands & premisses, with their & every of their rights, priuiledges, jurisdictions, hereditaments, *and appurtenances, and the reuercion & reuerçons, remainder and remainders thereof, and of every parte & parcel thereof, vnto and to the only vse & behooffe of him, the said A B, his heires and assignes for euer. In witness whereof, the said Gouverneur & Company haue caused the seale of the corporation to be affixed to these presents, the day of , in the yeare of our Lord one thousand sixe hundred eighty five. The hand of the Gouverneur for the tyme being to be herevnto subscribed. [475.]

Whereas the word (such) in the third lye of the second paragraph of the law made at an adjournment of the Generall Court, held March 18th, 1684, relating to the explanation of the law, title Conueyances, Deeds, and Writings, being found redundant, and that which may darken the true intent and meaning of the law, it is therefore ordered, that that word (such) mentioned in that parragraph shallbe and is hereby expunged out of all copies, and the law without that word to be of full force.

It is ordered, that John Richards, Samuel Nowell, & Elisha Cooke, Esq̃s, with Mr Olliuier Purchase, Mr John Saffyn, Captaine John Smith, Cap̃ Richard Sprague, and Mr Henry Bartholmew, shall and heereby are appointed a comittee to revise the lawes, and especially such as haue binn made since the last comittee had the pervsall and revisall of the body of them, and to make a returne to the next Court of Election.

This day the Gouverneur & Magis^{ts} sent in for the Deputjes, who, being come in, the Gouverneur acquainted the whole Court wth his receipt of a letter from that honorable & worthy gentⁿ, Esq̃ W^m Blaithwayt, in which came printed copies of the proclamations made in London on the 6th of February

i. e., 7th May, 1685.

1685.

7 May.

[*476.]

20 April, 1685.
The high &
mighty prince,
James the 2^d,
proclajmed in
Boston, 20 Ap^l,
85, in y^e same
words, mutatis
mutandis, of
the proclama-
tions in
Engl^d.

last, (presently after the knowne death of our late soueraigne lord King Charles the Second,) at White Hall, Temple Barr, & the Royall Exchange, of the high *and mighty Prince James the Second (by the grace of God) to be king of England, Scotland, France, & Ireland, and of all other his late maj^ties territorjes & dominions in America, &c, and also comunicated to the Court then mett his maj^ties gracious speech to the lords of his council, wth his gracious proclamation, in stating all officers in statu quo, wth other copies of letters from the lords cōmissioners to forreigne plantations to the seuerall goūno^s in America, for the end to proclayme his maj^{ty} James the Second, &c, all w^{ch} letters, &c, wth our Goūno^r letter of ans^r to the sajd W^m Blajthwajt, Esq^r, is lodged wth the Gouverno^r, declaring, that as a buisnes of that moment & high concernement the Goūno^r & council had ordered his maj^{ty} wth all due solemnity to be proclajmed in the high street in Boston, w^{ch} was donn on 20th of Aprill last, the hono^{ble} Goūno^r, Dep^t Goūno^r, & Assistants, on horsback, wth thousands of people, a troope of horse, eight foote companys, drums beating, trumpets sounding, his maj^{ty} was proclaymed by Edward Rawson, secre^t, on horsback, & Jn^o Greene, marshall gene^{ll}, taking it from him, to the great joy & loud aclamations of the people, and a seuenty peec of ordinanc next after the volleys of horse & foote. **

God saue the king, &c.

Ans^r to the pe-
titiō. of M^r Jn^o-
than Corwin.

In ans^r to the petition of M^r Jonathan Corwin, administrator to the estate of the late Captⁿ George Corwin, the Court judgeth it not meete to grant the first part of his petition, the County Court being so neare, but doe impower the petitioner, if he cannot pay the lands to the legatees to mutuall satisfactiō, that then he hath liberty to sell the lands & houses, with the consent of the major part of the magis^{ts} of the county of Essex.

8 May, 85.
Jn^o Marshalls
allowanc for
extraordi. ser-
vice, 3^d 10^s.

It is ordered, that John Marshall be pajd three pounds tenn shillings in rate pay by the Treasurer of the country, for his extraordinary attendance of the Gennerall Court.

**By the Goumo^r & Company of the Massachusetts Bay in New England, at a Generall Court for Elections, held at Boston, 27th of May, 1685.*

1685.

27 May.

[*477.]

SYMON BRADSTREET, Esq^r, was chosen Gouⁿor for y^e yeare ensuing, & tooke his oath.

Thomas Danforth, Esq^r, was in like manner chosen Dep^t Gouⁿr, & took his oath.

Daniel Gookin, Señ, Esq ^r ,	}	was chosen, & maj ^r geñll, & tooke y ^t oath
John Pynchon, Señ, Esq ^r ,		[also.
W ^m Stoughton, Esq ^r ,	}	& 1 st Co ^m ission ^r .
Joseph Dudley, Esq ^r ,		
Nathaniel Saltonstall, Esq ^r ,	}	
Humphry Davy, Esq ^r ,		
John Richards, Esq ^r ,	}	& 2 ^d Co ^m issioner.
Samuel Nowell, Esq ^r ,		
James Russell, Esq ^r , & Treas-	}	Assistants, & took their seùll oathes, M ^r
Peter Tylton, Esq ^r , [urer,		[Tylton, being sick, excepted.
Samuel Appleton, Esq ^r ,	}	
Robert Pyke, Esq ^r ,		
Elisha Cooke, Esq ^r ,		
W ^m Johnson, Esq ^r ,		
John Hathorne, Esq ^r ,		
Elisha Hutchinson, Esq ^r ,		
Samuel Seawall, Esq ^r ,		
M ^r Olliuer Purchis, who		declined his oath.

Edward Rawson was chosen alike Secretary, & tooke his oath.

The names of the deputjes returned to serve at this Court were, —

Salem: M^r Edmund Batter, M^r John Ruck.

Roxbury: M^r Edw^d Morrice.

Ipsuich: Lef^t Thō Burnham, M^r Symon Stacy.

Concord: M^r Henry Woody, S^r.

Wooborne: Ensìg James Converse.

Hadley: M^r Sa^mll Partrigg.

Charls Toune: Cap^t Rich Sprague, Lef^t Jn^o Phillips.

Cambridge: Lef^t Edw^d Winshipp.

1685.

27 May.

Newbry: Richd Bartlett.
 Dedham: Left Nath Sternes.
 Hauerill: M^r Peter Heires.
 Glocester: M^r W^m Hascall.
 Dorchester: M^r W^m Sumner.
 Lynn: M^r Olliuer Purchis.
 Weymouth: Cap^t Jn^o Holbrook.
 Rowley: M^r Jn^o Peirson.
 Maulden: M^r Job Lane.
 Reading: Cap^t Jerrē Swayne.
 Boston: M^r Jn^o Saffyn, M^r Isacke Addington, Cap^t Timothy Prout.
 Hingham: Cap^t Jn^o Smith.
 Brayntry: M^r Saffi Tompson.
 Northampton: M^r Joseph Hawley.
 Beūly: Cap^t W^m Raymond.

M^r Isack Addington was chosen Speaker for this session.

[*478.]

Order for y^e
 co^mitte to
 make theire re-
 turne as to re-
 vising y^e lawes.
 Y^e co^mittees
 returne.

*Itt is ordered, that the co^mitte appointed at the last sessions of Generall Court, so called vpon to make theire report to the Court of their revising the laues, especially those more lately made, in order to their consideration at this Court, and that the worke of revising the whole booke of lawes passing, and preparing them for the presse, be forthwith attended & sett about.

In obedience to the order of the honord Generall Court, dat^d 6th instant, impowring vs a co^mitte to revize the lawes, especially those lately made, &c, wee accordingly haue mett, & perused the sd lawes, & transferred them to theire propper heads in the fformer transcript, where they will be found, some times wholly in their oune words, sometimes in such necessary parts as was intended for alteration or explanation, which are either printed in sajd transcript in sheets, printed or written as there was occasion, to w^{ch} wee referr, reserving only the liberty of inserting the preffaces where reason may require.

JOHN RICHARDS,
 SAMUEL NOWELL,
 ELISHA COOKE,
 JN^o SAFFYN,
 RICH^d SPRAGUE.

Law, title Im-
 posts on wine.
 &c.

It is ordered by this Court & the authority thereof, that the lawes, title Impost, and Impost on Wines and Strong Liquo^rs, with the explana-

tions and additions made therevnto, shallbe & remajne in full force from the 10th day of June, 1685, vntill the tenth day of June next ensuing, w^{ch} will be in the yeare one thousand sixe hundred eighty & sixe.

1685.

27 May.

Peter Freeman, Indean of Narraganset, hauing binn a guide to the English army for the colonjes vnder the comānd of the late Generall Winslow, hauing donn good service to the country, & whiles his doing that service his daughter was taken & made a slaue, the Court judgeth it meete to order the Treasurer of the country to give him two English coates, two paire of stockings, & two pajre of shooes, (one for himselfe & one for his wife,) a white shirt, & fīue shillings in money to carry him home, hauing spent much time, both now & formerly, to obteyne his recompence; and its left to the major generall to informe himselfe where his sajd daughter is in captiuitie, & with whome, & to endeav^r hir reprisall and freedome, that she may returne to hir ffather; & orderd, the secretary to write to Cap^t Prentice to take order accordingly, & make returne what he doth and cann doe in that respect.

Order & recom-
pense to Peter
Freeman, y^e
armys guide, &
his daughters
release.

*Whereas it is found by experience, that, in many cases and controuersies betwixt partjes wherein there is matter of apparent æquity, there hath been no way provided for releife against the rigour of the comōn law but by application to the Generall Court, where, by reason of the weighty affajres of the country of more publick concernment, particular persons haue been delayed, to their no smale trouble and charge, as also great expence occasioned to the publicque by the long attendance of so many persons as that Court consists of, to heare & determine personall causes brought before them, —

[*479.]

Law as to a
chancery.

For ease & redresse whereof, it is ordered and enacted by this Court, that the magistrates of each County Court within this jurisdiction, being annually chosen by the freemen, be and heereby are authorized and impowred, as a Court of Chancery, vpon bill of complaint or information exhibbited to them conteyning matter of apparent æquity, to grant sūmons or processe as in other cases is vsuall, breifly specifying the matter of complaint, to require the defendants appearance at a day and place assigned by the Court, to make answer therevnto, and also to grant sūmons for wittnesses in behalfe of either party, to examine partjes and wittnesses by interrogatorjes, vpon oath, proper to the case, if the judges see cause to require it; and if any party, being legally sūmōned, shall refuse or neglect to make his appearance or answer the case, shall proceed to hearing and issue, as is provided in cases at comōn lawe; and vpon a full hearing and consideration of what shall be pleaded & presented as euidence in any such case, the Court to make their decree and determination according to the rule of æquity, Secundum æqūm et bonum, and to grant execution thereon; provided alwayes, that either party, p^{tt} or deffend^r, who shall

1685.

27 May.
Who judges, &
how to be de-
termined.

find himself agreived at the determination of the sd County Court, shall haue liberty to make his appeale to the magistrates of the next Court of Assistants, giving in security for prosecution, and the reasons of his appeale, to the officer of said County Court, as the law provides in other cases, where the judges of the former Court may haue liberty to alleadge & shew the grounds & reasons of their determination, but shall not judge nor vote in the said Court of Assistants; and the judgment or decree of the said Court of Assistants shall be a full & fynall issue & determination of all *such cases, wthout any after re-rejw or appeale, vnless, vpon aplication made by either party to the Generall Court, the said Court shall see meet to order a second hearing of the case at the County Court, with liberty of appeale, as aforesajd, or in any arduous and difficult cases, to admitt a hearing and determination by the Generall Court; and that a suiteable oath be draune vp and agreed vpon to be administred to those who shall be judges in such cases; and in all cases of y^e nature brought to the County Court, y^e party complayning, before his bill be filed & process granted, shall give sufficient security to the clerke of the Court to defray the necessary charges & attendance of the Court.

[*480.]

Addition to y^e
lawes, title Im-
posts, & c.
M^rs duty to
enter all wines,
& c, wth y^e na-
uall officer, & c,
on pœnalty.

As an addition to the lawes, title Imposts, it is ordered by this Court and the authority thereof, that all masters of shippes or other vessells that shall bring into our harbours any wines or strong waters, the said masters shall, before they breake bulke, give a true & just account, vnder his hand, vnto the navall officers, of the quantity & sorts of caske he hath on board, with the markes and numbers of the same, and the persons names to whom it is con- signed or doth belong, vpon forfeiture of paying the full duty appointed by law if any be found which the said master gaue not account of, and that the owners or receivers of such wines or liquo^rs doe, before it be landed, make a true returne with the officers of the full quantity, vpon forfeiture of what shall be found more then by them entred, or the value thereof, and that the ouno^rs, or who such wines or liquo^rs are consigned too, doe pay doune or give vnder their hands to the officer for the payment of the dutjes in some convenient time; provided this binds the master no further then to enter all such goods for which he hath signed bills of lading, and if any more appeare to be on board taken wthout the masters knowledge, he shall haue liberty of a post entry.

Liberty of post
entry, in case.

Each County
Courts power
as to probats of
wills, & c.

As an addition to y^e law, title Wills, it is ordered by this Court & the authority thereof, that the magistrates of each County Court in this jurisdic- tion, being annually chosen by the freemen, shall haue full power & authority (as the ordinary in England) to sumons any executo^r or excecuto^rs appointed to the will of any deceased person, who hath declared *his acceptance of that

[*481.]

trust by offering said will for probate, or otherwajes requiring him, her, or them to make & exhibbit vnto the Court, vpon oath, a just and true inventory of all the knoune lands, tennements, goods, & chattells of the deceased; and in case such excecuto^r shall neglect or refuse so to doe, said Court may proceed against such person or persons by imposing of fine or fines vpon them not exceeding tenn pounds money p moneth for euery moneths default. After the expiration of the time already llimited by law for bringing in of inventories, and once wthin twelve moneths or oftner, if the said Court see meet, they may call such excecuto^r or excecuto^rs to render an account of his or their administration.

1685.

27 May.

And it is further ordered, that said Court shall haue power to receive any information or complaint from any legatee against any excecuto^r for the deteyning of any legaty or legatjes given by the testato^r, and to grant sumons or process, as is vsuall in other cases, for the appearance of such excecuto^r or excecuto^rs at day & place assigned by said Court, & vpon neglect or refusall to appeare accordingly, to impose a fine of five pounds on the party or parties so refusing, and to proceed to a hearing of the complaint, and to make their decree and determination thereon, & to grant forth execution for the fullfilling thereof; likewise to heare & determine all cases relating to wills and administrations, and to make their decrees, and to grant executions therevpon, allowing to the party greiued liberty of appeale to the magistrates of the next Court of Assistants, such party attending the law, as in other cases, respecting appeales. The Court went on, day by day, to revise & peruse the transcripts of the lawes.

For greater expedition in the present revisall of the lawes, this Court doth order, that they shall be sent to the presse sheet by sheet, & that the Treasurer make payment to the printer for the same paper & worke, June 10th, 1685, and y^e Elisha Cook & Samuel Scawall, Esq^{rs}, be desired to o^usee y^e presse about that worke.

Courts proceedure
in revising the
lawes.

*In ans^r to a motion made by the ouerseer of the colledge, this Court doth order, that the hundred pounds, part of the annuall sallary due to the præsident, be paid to the corporation for the incouragement of such as haue donn the worke that apperteyn^e to the præsident, & discharge of some other accounts that haue been made for y^e colledg benefitt.

[*482.]

100th pt of y^e
p^{re}sed^d sallary,
how disposed
of, &c.

In answer to the petition of M^{rs} Mary Symonds, relict of the late M^r Willjam Symonds, the Court judgeth it meet to grant the petitioner liberty to sell such lands as she mentions in hir petition, that is, hir late husbands p^{ar}ticular land, the County Court of Essex consenting thereto.

Ans^r to Mary
Symonds peti-
tion.

Rowley villa-
gers, how to be
exercisid as
to y^e souldiery.

In ans^r to the petition of Abraham Reddington, Joseph Bexby, Samuel

1685.

27 May.

The Courts inclination to Rowley Village, in case.

Buswell, Señ, & W^m Foster, in the name of the inhabitants of Rouley Village, it is ordered, that the order of 1684 be null & voyd, & that the villagers be excersied by such officers as the majo^r generall shall appoint, till farther order.

In ans^r to the petition of Abraham Reddington, Joseph Bixbec, Samuel Buswell, W^m Foster, & John Peabody, in the behalf of the inhabitants of Rowley Village, the Court inclines to grant their request, provided it may be with the consent of the selectmen of Rowley.

Whereas the honnoured Court some yeares since were pleased to choose & impower a comittee to end a difference about a controuerted peece of land in Water Toune, which is not yet determined, your petitioner doth hereby humbly intreat, that the hono^red gent^l before chosen may be continued & encouraged to put a finall issue to that affaire.

Your humble servant,

JOHN SHERMAN.

Comittee to issue Mr Sher-
mans case, &c.
Vide pa. 494.

The Court judgeth it meet to consent to this motion, & doe accordingly order, that W^m Stoughton, Joseph Dudley, Peter Bulkley, & John Richards, Esq^r, with W^m Johnson, Esq^r, Mr Edward Winship, Cap^t Sprague, & Cap^t Holdbrooke, in y^e roome of Cap^t Wayte, & also in y^e roome of Cap^t Thomas Brattle, deceased, shall & heereby are impowred to act in that affajre, and that they doe forthwith make a full settlement in such wise as shall to them appeare to be just & æquall on all considerations; and doe further order, that what they shall doe herein shallbe a finall issue and end to the controuersy.

[*483.]

Ans^r to Benj.
Bosworths pe-
ticion, 20 acr^s
gr^{ed}.
Emendation
of Northamp-
ton bounds,
omitted Octo-
ber, 1654, as to
9 miles now
added, &c.

*In answer to the petition of Benjamin Bosworth, the Court judgeth it meet to grant the petitioner twenty acres of land in any ffree place, so as it exceeds not tenn acres, p^t thereof to be in meadow.

Forasmuch as it hath binn made manifest to this Court that there is a mistake or omission in the report of the comittee appointed by this Court, 18th of October, 1654, for dividing & setting out the bounds of the plantation now called Northampton, of incerting the length of the sajd plantation from the great riuer, west, nine miles into the woods, which they then sett out, and was incerted in the copy of their sajd report, given, vnder their hands, to the sajd toune, as also to the plantation or toune of Springfield, their neighbours, and is so entred in their respective toune bookes, it is therefore ordered, that the sajd clause, 'From the great riuer, west, nine miles into the woods,' be added vnto & supplied in the record of this Court of the bounds of sajd toune of Northampton.

Wee, whose names are vnder written, being a comitte appointed and impowred by the toune of Northampton for the setting of the bounds betweene vs & Springfield, and in order therevnto, wee, by agreement with Springfield comitte, who were alike impowred, viz^t, Major John Pynchon, Samuel Marshfeild, Rowland Thomas, and Samuel Torrey, wee mett together by agreement, on the day aboue mentioned; then and there wee agreed, that the bounds betweene vs & Springfield should come too & be setled at the great barr of the ffalls, — that is, about the first great barr, — next to Northampton, where wee marked a pyne tree, about forty rods from the ryuer, on the south side with S P, on the north N H, on the east A, on the west with the surveyor's marke, O; ffrom that tree wee agred to runn a west lïne, which accordingly was donne, two miles and a halfe, and then by agreement wee runn a south lïne halfe a mile, marking trees as wee went; from thence the bounds of Northampton was to runne a west lïne to the end of their bound, viz^t, nine miles *from the riuer; wee also then agreed that Northampton should haue liberty of fishing at the lower great fall, in Springfield bounds, without any molestation from Springfield men; and also to haue liberty of what highwayes as they may stand in need of for transportation to the boating place below the ffalls, for what they shall haue occasion to make use of for; and to this agreement wee joyntly consented. Our request to the honored Generall Court is, that this our agreement may be rattified. And was signed by

JOHN KING,
JONATHAN HUNTE,
DAUID BURTE,
MEDAD POMRY,

Comitte for Northampton.

Endorst.

I, vnder written, doe certify that the comitte for Springfield did consent and agree to the returne wthin written, allowing the priuiledges, on the part of Northampton.

JOHN PYNCHON.

4 June, 1685.

Vpon the certificate aboue written, the Court judgeth it meet to confirme the lands & bounds as lajd out and returned herein mentioned.

As attests

EDW^d RAWSON, Secre^t.

1685.

4 June.
An agreem^{nt}
made 28 April,
1685, as to
Northampton
& Sprinkfull
bounds, &
agreement.

[*484.]

1685.

4 June.

Ans^r to Left
W^m Clarke's
petition &
bounds of
Squakeage.

In answer to the petition of Left W^m Clarke, of Northampton, in behalfe of those that are preparing to resettle the village at Squakeage, being desired to informe this honoured Court who they were that laid out the said village, i. e., W^m Clarke, W^m Ales, Isaack Graues, and the bounds of it, the said W^m Ales & Isaack Graues being dead, & said Clarke only remayning, who hauing formerly & of late spent much time about laying out and resettling the place againe: the abouesaid comitte, being at Squakeage wth two of the inhabitants, wee appointed & ordered a litle brooke, called Natanis, on the west side of the great ryuer, that runns into the great riuer, and appointed it to runne west three quarters of a mile from the great riuer, on the east side of the riuer, to the lower end of the three litle meadowes that are below the toune plot, and so to runn vp the riuer eight miles, the toune plott necessarily falling so low in this tract of land by reason of no convenient place higher; and now, being streightned for roome at the eastely end, the inhabitants that now intend to resettle the place againe doe earnestly desier and intreat this honoured Court, if yow see meet, to lett the plantation *extend about two miles and a halfe lower, vnto a litle stony brooke, which is called Fower Miles Brooke, and that yow would grant it them; it would greatly encourage those that are to settle there, there being neere about forty familjes preparing to settle there wthin a litle time. There is no intervale nor meadow land in this tract of land that I mooue for them, but because it lyes neere the toune, and maybe vsefull for wood, & other wayes, and also encourage more inhabitants; but if yow doe not see meete to grant their request, w^{ch} they so earnestly desire, yet that yow would be pleased to exchange, that is to say, to leaue out so much on the same side that is on the east side the great riuer at the vpper end, and so to extend vnto the litle stony brooke before mentioned. The Court grants this request as to the extent of the bounds of the said toune.

[*485.]

Ans^r to M^r
Pinchon, M^r
Auery, & M^r
Hez. Vshers
petition, as to
a mine & 1000
acr^s of land,
&c.

In ans^r to the petition of Major Jn^s Pynchon, M^r W^m Auery, & M^r Hezekiah Usher, humbly crauing the favo^r of this Court that, hauing binn at much paines & costs in searching for to finde out mettalls, & hauing found a hill, nere to Millers Riuer, aboue Dearefeild, & nere y^e great riuer, in w^{ch} are stones, encouraging, as by some smale tryalls, & being willing to be at further cost to improove it, & considering there will be need of some land for the inhabitants y^t improove it, to grant them one thousand acres of land nere to y^e place where they can finde it, the Court judgeth it meet to grant their request, provided the land granted be taken vp wthin two miles of the hill aboue mentioned, on the east side of Connecticut Riuer, & be improoved by settling some inhabitants thereon wthin the space of twelue yeares next coming for the ends proposed.

In ans^r to the petition of Ellino^r Redding, the Court, considering & judging it of absolut necessity that reliefe be afforded the petiçoner, do therefore order y^e selectmen of Boston to make provission for her, & y^t y^e Treasurer of y^e country doe make repayment to them of their disbursment, provided it exceed not two shillings sixepence p week, on the countrys charge, in come at country prize.

In ans^r to the petition of Ann Sheffeld, aljas Perry, widdow, the Court, being fully informed of the state of the petiçoner & this case, doe grant hir petiçôn, provided she haue the consent of the County Court of Suffolke for y^e sale of the house & land therein mentioned.

In ans^r to a motion made in behalfe of the toun of Newbery by M^r Rich^d Bartlet, M^r John Woodbridge is hereby appointed & authorized to administer oathe, & joyne persons in marriage there who shall desier it, being published according to lawe.

*In ans^r to the foot company of Mauldens petiçôn, the Court doe hereby appoint Leif^t Jn^o Sprague to be captaine, & grants liberty to Sarj^t Samuel Sprague to officiate as leiftenant, & Joseph Wilson to officiate as ensigne vnder him, sajd captⁿ, in order to their establishment & being comissioned.

Jn^o Trumble is appointed ensigne to the floote company at Rouley. On a motion made in behalfe of M^r Archelaus Woodman, leiftenant, to be discharged, the Court grants his request, & doe appoint Ensigne Stephen Greenleaf to be leiftenant in his roome, & Nathaniel Clarke to be ensigne to y^e foot company vnder y^e conduct of Daniel Peirse, captⁿ.

In ans^r to the petiçôn of M^r John Cotton, in behalf of M^{rs} Joan Hart, youngest surviving child of the late M^r Edward Rossiter, one of the adventurers, &c, the Court judgeth it meet to grant the petiçoner five hundred acres of land, to be taken vp so as not to interfere wth any former grants, or to spoyle any suiteable tract for a towneship; & this to be in full of all right or clajme any of the heires of sd M^r Edward Rossiter might make from the country.

In ans^r to the petition of M^r Joseph Hauley, in behalf of the children & heires of the late M^r Dauid Wilton, deceased, the Court judgeth it meet to give liberty to the petiçoners to take vp y^e sajd hundred acres of land in any free place in this jurisdiction, provided it hinder not a plantation, & be free from former grants.

In ans^r to the petitions of Springfield & Suffield, being much of one tenno^r, the Court, hauing read & considered the contents thereof, doe judge that sundry expressions therein doe deserue sharpe reproofe; neuertheless,

1685.

4 June.

Ans^r to Elinor Reddings petiçôn, 2-6 p^r week allowed hir in country pay.

Ans^r to Ann Sheffeld, aljas Perrys, petiçôn.

M^r John Woodbridge to administer oaths & to marry, &c.

[*486.]

Ans^r to Maulden foot companys petiçôn, Capt Jn^o Sprague, Sam. Sprague, & Joseph Wilson.

Jn^o Trumble ensigne. Stephen Greenleaf leif, Nath. Clark ensig.

Ans^r to M^r John Cottons petiçôn relating to M^r Edw. Rossiters right.

Ans^r to M^r Jos. Hawleys petiçôn in behalf of y^e children & heires of y^e late Dauid Wilton.

Ans^r to Springfield & Suffield petiçôn as to y^eir paying y^eir rates, &c.

1685.

4 June.

considering the difficulty of procuring money in those places, doe order, that the inhabitants of the said townes of Springfield & Suffield shall not be compelled to pay money, provided that, in leiw of their proportions to money rates, they doe pay their rates in good merchantable corne, at one third part lesse price then is set in the country rate, and deliuer the same to the Treasurer, at Boston, at their oune charge, casualties of seas excepted; and this order to continew vntill the Gennerall Court take further order herein.

[*487.]

Ans^r to Jerre Bumsteeds petition, 200 ac's gied & a licence for inkeeping in case.

16th July nex
a fast.

*In ans^r to the petiōn of Jeremiah Bumstead, a wounded souldier, the Court judgeth it meet to grant the petiōner two hundred acres of land where he cann finde it free of other grants, &c, as satisfaction for his losses, and also allows him a licence to sell ale, beere, & cidar in Boston, and to be added to the number already allowed, so as the petitioner obteyne the approbation of the selectmen of Boston to keepe an ordinary.

This Court, hauing taken into their serious consideration that in respect of afflictive sicknesses in many places, and some threatnings of scarcity as to our necessary food, and vpon other accounts also, wee are vnder solemne frounes of the diuine Prouidence, being likewise sensible that the people of God in other parts of the world are in a lowe estate, doe therefore appoint the 16th day of July next to be sett apart as a day of publicke humilljation, by fasting and prayer, throughout this colony, exhorting all who are the Lords remembrancers to give him no rest till he establish and till he make Jærusalem a prayse in the earth, and doe heereby prohibit the inhabitants of this jurisdiction all servile labour on that day.

Comitte to take in y^e Tres^r accounts, Major Jⁿ Richards, M^r Cooke, M^r Saffyn, &c. Committee to agree wth y^e inkeepers as to y^r licenses.

Committee to ofsee the presse.

It is ordered, that Major John Richards, Elisha Cooke, Esq^s, wth M^r John Saffyn, Cap^t Richard Sprague, & M^r Edward Morris be a comitte to take in the Treasurers accompts for the yeare 1684, and give the Treasurer a full discharge therevpon, with the seale of the colony affixed therevnto.

It is ordered, that Major John Richards, Samuel Nowell, wth James Russell, Esq^s, be a comitte to agree wth the inkeepers about their licenses for y^e yeare ensuing.

For greater expedition in the present revisall of the lawes, this Court doeth order, that they shall be sent to the presse sheete by sheete, and that the Treasurer make payment to the printer for the same, paper & worke, and that Elisha Cooke and Samuel Seawall, Esq^s, be desired to ouersee the presse about that worke.

Awasamoag sale of land confirmd to Edward Rawson, &c.

In answer to the humble motion & request of Edward Rawson, who, having purchased a smale tract of land, vpland & meadow, of Thomas Awasamoag, son & heire of the late sagamore John Awasamoag, & by him

reserved, & is invironed wth the bounds of Dedham, Meadfeild, Mendon, & Sherborne, as in sajd Awassamoag^s sale, the Court grants this petiçôn, and doe grant & confirme the sajd tract of land to the sajd M^r Edward Rawson, his heires & assignes, allowing the sale of the sajd Thomas Awassamoage, it not interfering wth any former grants.

1685.

4 June.

In ans^r to the petiçôn of Samuel Reed, a wounded souldjer, the Court judgeth it meet to order the Treasurer to pay y^e petiçôner forty shillings in country pay for this yeare, & that the petiçôner henceforth be freed from rates, traynings, and watchings till this Court take further order.

Sam. Reed, a
wounded soul-
djer, releif, &c.

*In answer to the petition of Mary Salter, widow, & executrix of the last will & testament of Willjam Salter, deceased, praying the renewall of an execution formerly granted to the sajd W^m Salter vpon the judgment of the Generall Court in October, 1667, to the value of twenty one pounds eight shillings and sixpence, ag^t M^r Jn^o Woodmansey, since deceased, which execution is returned, and no record of any thing don therevpon, nor any plea or prooffe made by the deffendant (who was admitted to be heard) that any part thereof is sattisfied, it is judged by the Court that in such cases the law doth allow of a renewall of execution, and that the execution aboue specified ought accordingly to be renewed for the same sume & specie as the former against the estate of sajd John Woodmansey in the hands of Elisabeth, his widow & executrix.

[*488.]

Case betweene
widdow Salter
& widow Wood-
mansy.

In ans^r to the petiçôn of Thomas Woolson, the Court judgeth it meete to grant the petitioner the land mentioned in the petition, & bounded so as it exceed not three hundred acres, w^{ch} land begins by a branch of Sudbury Riuer at a maple tree, runing wth Marlborow southerly lyne, & so on, in sd petition.

Tho. Woolsons
farme layd out
& confirmed.

In ans^r to the petiçôn of Onesephrus Paige, it is ordered, that the fower pounds money mentioned shall be pajd him by the constable of Salisbury out of the next country rate.

4th to Oneseph-
irus Paige, &c.

M^r W^m Clarke, Cap^t Aron Cooke, & M^r Samuel Partrigg, as returnd, are allowed & appproved of as returnd associates for the County Courts in Hampshire for the yeare ensuing.

Hampsh. asso-
ciats.

In ans^r to the petition of M^r Edward Thomas, agent for M^r Joseph Thompson, of London, merchant, it is ordered, that the Treasurer make vp & settle the accompt of the payment of the two hundred and sixty pounds mentioned in y^e petition, and for what time the whole or any part of it remayned vn timer paid after the time limited p bill of exchange, to make allowance and pay vnto the petitioner after the rate of sixe p cent p annū interest for the same.

Ans^r to Edw^d
Thomas peti-
çôn.

*It is ordered, that M^r Fiske, of Cambridg, surveyo^r, doe rune the lynes

[*489.]

1685.

4 June.

Courts order as
to Dedham &
Naticke con-
troisly abt y^e
4000 acrs.

& bounds betweene Dedham & Naticke of the tracts of land described by the former comitte, & to renew the markes thereof, and if in any part the bounds be vndetermined there to setle it, Dedham & the Indeans hauing liberty to send each of them one wth the comitte of this Court in that worke, the charge to be borne æqually, provided that where the bounds shall appeare to be vnsetled respect be had to the former settlement made of that matter by the Generall Court, i. e., that the Indeans may haue the fower thousand acres of land granted them, for which Dedham received satisfaction from the Court.

Ans^r to Charls
Toune inhabit^{ts}
peti^{on}.

In ans^r to the petition of seuerall inhabitants of Charls Toune, the Court reffers the petitioner to the comon law.

A plantation of
8 miles square
granted to Ma-
jor Jn^o Pinchon
& his associ-
ats aboue
Squakeag on
Connecticut
Riuer, in case.

In answer to the motion made by Major John Pynchon, in order to prevent the ineroachments of the French vpon us on Connecticut Riuer aboue Squakeag, this Court doth grant the quantity of eight miles square to Major John Pynchon & such others as he shall associate to himselfe, provided that he take possession within one yeares time, and setle tenn familes wthin three yeares, & thirty familes wthin six yeares next coming, setting an orthodox minister also among them, provided the land doth lye within our patent.

Courts grant &
resolue as to
Ensigne Jn^o
Grout, pur-
chase of lands,
&c.

In pursuance of the report made by Thomas Danforth, Daniel Gookin, Samuell Nowell, Esq^s, wth Lef^t Nathaniel Sternes & Deacon Jn^o Haynes, a comitte, w^{ch} is on file, it is ordered, that Ensigne John Grout haue liberty to lay out eighty acres of land, formerly by him purchased & possessed from the Indeans of Natick, on one side of the sajd tract, and that the Indeans may make sale of the remainder of that tract of land of fower hundred acres, as Major Generall Gookin & M^r Elljott shall aduise & approve.

Courts confir-
mation of 400
acrs of land
lajd out to M^r
Increase Mather
& M^r Jn^o
Cotton, y^e plott
on file.

The plott of fower hundred acres of land lajd out to the Reürend M^r Increase Mather & M^r Jn^o Cotton, being a part of a grant of the honno^d Generall Court to M^r John Cotton & to M^r Seaborn Cotton, bearing date May 11th, 1670, the plott aboue mentioned being fower hundred rod in length, ru^{ng} along Worster l^jne S. W. & by S. 400 rods, & one hundred & sixty rods in breadth at each end, one end joynes to M^r Humphry Davy, Esq^u, 160 rods, lying neere & joyning to to the towneship of Worcester, & surveyd by M^r David Fiske, is hereby confirmed to the sajd M^r Increase Mather & M^r Jn^o Cotton, Seⁿ, & to their heires & assignes for euer.

[*490.]

Ans^r to y^e In-
deans & Marl-
borough inhab-
itants peti^{on}.

*Vpon persvall of the returne of the comitte in answer vnto the petition of the Praying Indeans & the inhabitants of Marlborough, this Court doth order & declare, the Indeans deede of sale to the inhabitants of Marlborough, of fwe thousand eight hundred acres of land, lying at Whip Sufferage, neare Marlborough, granted to the Indeans by this Court for a towneship or plantation, w^{ch} deed beareth date July 15th, 1684, is illegall, & consequently null

& voyd, being made & donne expressly contrary to the law & order of this Court. And furthermore, it is ordered, that the Indians shall not sell, give, or lett to lease any plantation or touneship granted vnto them by this Court, or any part thereof; neither shall any English man or men, or any other person or persons of any other nation, purchase, take to lease, or receive a gift from any Indian or Indians, any of the forementioned lands & touneships, or any part thereof, without license from the Generall Court first had, vpon pœnalty of forfeiting all such lands to the vse of the country, as the law declared; besides, all such sales, aljenations, leases, or gifts are hereby declared null & voyd in law, excepting such sales & aljenations as haue binn allowed & confim'd by this Court.

1685.

4 June.

In ans^r to the petition of W^m Basset, Jn^o Lynsey, Robert Porter, Señ, & a twenty two more inhabitants of Ljn, Jeremiah Swayne, Sañill Damon, Sañ Lambson, W^m Robbins, James Pyke, Juñ, & James Nicholls, of Reading, W^m Raymond, & 5 more, of Beverly, & Samuel Lyncolne, & three more, of Hingham, as on y^e petiçõn on file, the Court judgeth it meet to grant the petiçõners a tract of land, in the Nipmug country, of eight miles square, for their encouragement & others that were serviceable to the country in the late Indian warr, to a competent number, who shall see meet to joyne themselves to them in order to the making of a plantation or touneship, provided it be lajd out so as not to interfere wth any former grants, & that an orthodox minister, on their settlement of thirty familjes, be settled wth in the space of fower yeares next coming.

Ans^r to Lyn
petiçõn.

In answer to the petiçõn of M^{rs} Esther Flynt, of Dorchester, widdow, the Court judgeth it meet to grant the petitioner liberty to sell so much lands as may attayne the ends proposed, provided it be donne by the aduice of W^m Stoughton, Esq^{re}, M^r Edmond Quinsey, & M^r John Saffyn.

Ans^r to M^{rs} Es
ther Flynts pe
tition of Dor
chester.

*It is ordered, that Majo^r John Richards & Elisha Cooke, Esq^{rs}, with M^r John Saffyn, Cap^t Richard Sprague, & M^r Edward Morris, be a co^mittee to take in the Treasurers accompts for the yeare 1684, and give the Treasurer a full dischargd therevpon, with the seale of the colony affixed there vnto, and that John Richards, Esq^{re}, appoint time & place for meeting, to be signified to the others.

[*491.]

Co^mittee to
take the Treas-
urers acco^{ts} for
1684.

E. R., S.

Majo^r John Richards, Samuell Nowell, wth the Treasurer, are appointed a co^mittee to agree wth the inkeepers for their licenses & draughts for this yeare.

Co^mittee to
agree wth y^e in
keepers.

1685.

4 June.

M^r Stoughton
& M^r Dudleys
2000 ac^r lajd
out & con-
firmed.

This Court doth allow of, rattefy, & confirme the platt offered to this Court by M^r John Gore, sworne surveyo^r, conteyning eighteen hundred acres, with allowance of addition of two hundred more next adjoyning to compleat the same to two thousand acres, which was granted vnto W^m Stoughton, Esq^r, & Joseph Dudley, Esq^r, at the Generall Court, on adjournmēt, held at Boston, 15th of February, 1681, to be to themselues, their heires, & assignes for euer, the plat whereof is on file, the land lying in the Nipmug country, at a place called Marichouge, the l^jne being marked wth rainging markes on the corners with S. D.

20 June, 85.

Adjournment
of this Court
to the 7th July
next.

It is ordered, that this Court be adjourned vntill Tuesday, the seventh of July next, at one of the clocke, vnless any matters of publicke concernment to this colony occasion their assembling before that t^jme, whereof notice is forthwith to be given by the secretary to the respectiue townes for the sending their deputjes, to assemble at such time as the hono^red Gouverno^r or council shall appoint.

Black James &
compa. 5 miles
square land
lajd out, &c.

This Court doth allow of, ratefy, & confirme vnto Black James & company, their heires & assignes, for euer, the two platts of lands offered to this Court by M^r John Goare, sworne surveyo^r, measuring the contents of five miles square, the one being at a place called Quanesusset, the other at a place called Mayanexet, which contents of five miles square was measured & granted to them & their assignes by their deed to M^r Stoughton & M^r Dudley, dated 18th May, 1682, both parcells being surveyed and marked wth run^jg l^jnes and corner marks wth the letters of their assignes names.

[*492.]

7 July.

**The Gov^rno^r & Company of the Massachusetts Bay in New England, assembled in Generall Court, on their adjournment to 7th July, 1685.*

Courts infor-
macon of py-
rates on y^e
coast, & Courts
order therev-
pon.

1.

THIS Court, being informed by John Prentice & others, coming from New London, of a certejne sloop at that place, whereof one Veal & one Harvey were charged by Daniel Staunton with pyrac^y, comitted by them in Virginea, and that saj^d Veale told saj^d Prentice that Grayham was in their company in a shallop, & parted from them two dayes before, and that they chased saj^d Prentice till he came neare Brewsters Islands, and then bore away about noone, 6th instant, doe therefore order, that a drūme be forthwith beat vp for a convenient number of volunteers, not exceeding forty, for the maning of M^r Richard Pattershalls brigandcene, to be vnder such comāder as the Court shall appoint to bring them vnder comānd, who, at their returne, shall haue due satisfaction; accord y^e drūme beat & proclamation fūd :

All gen'men, souldjers, or seamen who are willing to serve his maj^{ty} in the present expedition vpon this coasts against certejne suspected pyrates in some smale vessells, endaingering our trade, lett them repajre, with sufficjent & compleate armes, to M^r John Vyalls, at the Ship Taverne, where Cap^t Sampson Waters will enter their names, & direct them presently to goe on board the brigandine, whereof M^r Richard Pattershall is master, who shall haue all due encouragements, i. e., shall haue an æquall & just diuission in all the pyrates goods and estate taken with them; and no purchase, no pay. Boston, 8 July, 85.

p cu^r.

E. R., S.

1685.

8 July.
Proclamation
for volunteers.

3.

The Court, being informed that men doe not readily offer themselves to the service of the country in the expedition against Veale & Grayham, the two pyrates, and considering the necessity that something be speedily done therein, judg meete to order, for their encouragement, free plunder be offered to such as shall voluntarily lyst themselves, or that a sufficjent number of men be forthwith impressed to that service.

Plunder
tendred.
2.

Co^mission granted to Cap^t Sampson Waters, & instruc^tions & directions for his mannagement of the service, both w^{ch} are on file.

Co^mission to
Cap^t Sampson
Waters, wth his
souldjers, &c.,
to cruise, &c.

Yow are hereby required, in his maj^{ties} name, to attend the next Court, to give your euidence in a case depending betweene [^], p^rit, against [^], defendant, whereof yow may not faile at yo^r perrill. Dated, 8c^a.

To be dd. vp in
a moth, as on
y^e originall.

Su^mons for appearance vpon the attachment of goods.

Su^mons for ap-
pearance.

To

You are required, in his maj^{ties} name, to take notice that such of your goodes or estate is attached as security for yo^r appearance at the next Court, in [^], at the suite of [^], vpon an attachment granted him, to the value of [^], to answer his complaint in an action of the case, 8c^a, and yow are to appeare to answer the same accordingly. Hereof fayle not. Dated in [^]. Bond for caution vpon granting attachments to strangers.

*Know all men by these p^rsents, that wee, — & — of —, doe bind ourselues, our execcuto^rs, and administrato^rs, joyntly & seuerally, vnto I H, Treasurer of S, his attorney, successo^rs in s^d office, or assignes, in behalfe of A B, in the su^me of [^], on condition that the s^d — shall prosecute his attachment to effect, taken out this day, against the sajd A B,

[*493.]

1685. and shall likewise pay all such costs & damages as the Court shall award him, &c^a.

8 July.

The Court voted & approved the above written three presidents.

E. R., S.

M^r Dudley &
M^r Shrimptons
recompenc.

The Court, being sencible of y^e good service donne for the country by Joseph Dudley, Esq^r, & M^r Samuel Shrimpton, in their late journey to New York, doe order, that their expenses & disbursments in sd journey be by the country Tresurer dischargd, & that the thanks of this Court be returned to the sajd gen^l for their great paines & good service; and, as a further testimony of our respect & acceptance of the service of the sajd gen^l, doe order the Treasurer to pay vnto M^r Dudley twenty pounds in money, & to M^r Samuel Shrimpton tenn pounds in money, out of the first country money in his hands.

Ans^r to M^r
Josh. Scottows
pet., & 500 ac^r
of land in
Prouince of
Meyne gr^{ed}
him.

Whereas, in answer to the petition of Cap^l Joshua Scottow, for payment of two hundred & odd pounds claymed by him on acco^t of his disbursments by him made in the late Indean warr, the Generall Court, in the yeare 1684, granted him, in full of all his demands, fwe hundred acres of land, to be layd out in the Prouince of Mayne, in any free place, which vote not being entred, sajd Scottow is vncapable of receiuing benefitt thereby, this Court doe hereby confirme the aboue sajd grant of fwe hundred acres to him, his heires, & assignes for euer, & Cap^t Edward Tyng & M^r Dominicus Jordan are impowred to lay out the abouesajd grant.

Tho. Colton
l^{ef}.

Thomas Colton, of Springfield, on y^e motion of the com^{it}tee of militia there, is appointed leiften^{nt} for the company of souldjers there, vnder the conduct of Cap^l John Pynchon.

Tho. Dewy, of
Westfeild, cor-
net.

Also, Th^o Dewy, alike presented, is appointed cornet to the troop of horse in Hampshire, vnder y^e conduct of

Ans^r to Elisa-
beth Parkers
peti^{on}.

In ans^r to the petition or motion of Elisabeth Parker, administratrixe to the estate of Joseph Parker, Juⁿ, son & executo^r of Joseph Parker, Seⁿ, of Andiver, this Court doth order & enact, that y^e administratrix of the sajd estate shall haue power to sell & make firme deeds of some of the lands of sajd estate, prouided that shee shew hir accounts of the condition of the estate, & of the necessity of such sale, vnto the County Court of Essex, or two of the magistrates thereof, and haue their approbation for the quantity that shall be sold.

[*494.]

Ans^r to Tho.
Johnson &
Mary Daus
peti^{on}.

*In answer to the peti^{on} of Th^o Johnson & Mary Daus, of Hauerill, administrato^rs to the estate of Ephraim Daus, of Hauerill, this Court grants them liberty & gives them power to sell so much land belonging to the sajd

estate as shall be necessary for the ends proposed, provided they bring their account of the debts & credit of the said estate to the next Court of the county of Essex, & haue their approbation, cr, in their vacancy, the approbation of any two of the magis^{rs} of said Court.

1685.

8 July.

This Court, being informed of the inability of John Hutchins, of Haverhill, by reason of his being dumbe, to mannage his estate, by impleading of his debto^rs, & answering to any actions that may be comēced against him, doe grant power to Francis, his wife, to act those affajres in her oune person, or by hir substitute.

Francis Hutchins power, &c.

In answer to the peti^{ti}ōn of Alice Eaton, wife of John Eaton, on hir further motion it is ordered, that Leiftenūt Nathaniel Sternes be joynd wth the former comītee appointed by this Court, 7th May, 1684, in ans^r to hir then peti^{ti}ōn, & for that end in the tryall of the premisses, the sd Left Sterne to appoint time & place of meeting, making their report to this Court how they finde it.

Ans^r to Alice Eatons peti^{ti}ōn.

In ans^r to the petition of Patrick Inan, a wounded strainger, the Court judgeth it meet & necessary for the peti^{ti}ōners present releife to order the Treasurer to deliuer to him, or his order, sixe pounds in mony.

Ans^r to Patrick Inans peti^{ti}ōn.

The comītee for the affaire betweene M^r John Sherman & the inhabitants of Water Toune, according to the order of this Court in May last, doe agree & determine, that the proprieto^rs of the comōn lands in Water Toune, whereof the thousand acres now in question is a part, doe, wthin twenty dayes, deuide the said thousand acres into three æquall parts, & M^r Sherman to make his chojce in which of the said parts his interest, amounting to three hundred twenty nine acres, by the gift of seuerall of the said inhabitants & proprieto^rs, shall lye; and if the said third part passe the quantity aboue, then so much to be taken off of the said third part æqually & next adjoyning to the remaining third, and what the said third may want to amount to the said sume shall be added equally out of the next adjoyning third belonging to the proprieto^rs; and that M^r Sherman, vpon the diuission aforesajd performed, shall, vnder his hand & seale, give to the said proprieto^rs a relinquishment of all challenge to any further part of the remainder of the said thousand acres, and that the remainder of the said thousand acres left diuissible to the remaying proprieto^rs who haue not given their rights to M^r Sherman according to the æquall & just *proportion formerly settled for the diuission of the whole tract, long since diuided by Captⁿ Sherman.

10 July.

Comītees returne abt M^r Jn^s Shermans land at Water Toune.

[*495.]

And that, if the proprieto^rs neglect to make the diuission aboue sd, it shall be in the liberty of the said M^r Sherman, by a sworne surveyo^r, to measure out his aboue said quantity of three hundred twenty nine acres, in

1685. any part of the sajd thousaĩ acres, in one whole peice, & leaue the remajnder
to be disposed amongst the proprio^rs as abouesajd.

10 July.

July 10, 1685.

Signed by WILLJAM STOUGHTON,
RICHARD SPRAGUE,
JOHN HOLBOOKE,
JOHN RICHARDS,
WILLJAM JOHNSON,
JOSEPH DUDLEY,
EDWARD WINSHIP.

This returne of the comĩttee being read & pervsed by the Court, and
ordered to be recorded as here it is.

As attests

EDWARD RAWSON, Secre^t.

Order to con-
vene y^e elders.

The Court, judging it a matter of greatest concernment in this present
juncture of Providence towards this people, that wee so mannage ourselues
as that wee may not be led into teĩtation, to the doing of any thing dishonour-
able to our profession, disloyall to his maj^{ty} or the peace of those that haue
betrusted us, doe order, that the reũnd elders of the seuerall townes, in a
schedule on file, be desired to meet & conferr wth this Court in council, the
21th instant, at eight of the clock in the morning, and that notice be given to
those townes who haue neglected to send their deputjes to this sessions that
they attend the law & their duty, as they will answer their neglect at their
perrill. And this Court is adjourned to the 21th instant, at eight of the clocke
in the forenoone.

By the Goũno^r & Company of the Massachusetts Bay in New England.

To all to whom these presents shall come & may concerne,
greeting.



SYMON BRADSTREET, Govern^r.

Know yee, that, whereas the honoured
Generall Court hath appointed vs, whose names
are vnderwritten, as a comĩttee to audit & ex-
amine the accompts of James Russell, present
Treasurer of the aboue sajd colony of Massa-
chusetts Bay, which wee haue accordingly

donne, since his last accompt, made vp and settled with a former comĩttee,
as appeares by a dischargde, vnder their hands and scale of this colony,
bearing date the 25th of Aprill, 1684, and recorded in the Courts booke

of reccords, the 29th of Aprill, 1684, since which wee find the country's credit for ballance of former accompt, together with rates, fines, & imposts, to amount to one thousand seventy one pounds five shillings & seven pence in country pay, & two thousand seven hundred & eighty pounds one shilling & eleven pence in mony, of w^{ch} is due to the said Treasurer, as by the said accounts dus more particularly appeare, the some of two hundred & sixteen pounds eleven shillings & three pence in money, besides forty five pounds allowed for making good all rates comprized in said accompts allowed to the Treasurer, must haue credit from this colony in next accompt for two hundred sixty one pound eleven shilling & three pence in money, due to him for *ballance of abouesaid account; therefore, according to the power comitted to us by the honored Generall Court, in the behalfe of the Go^o & Company aforesaid, dated the 28th January, 1684, wee doe, by these presents, fully & absolutely remyse, release, & foreuer acquitt & discharge the aforesaid James Russell, Treasurer, his heires, execcuto's, and administrato's, from all rates, fines, reconings, accompts, receipts, and other transactions referring to this colony & the aforesaid Treasurer of the same till the first of September last, by reason of any cause, matter, or thing whatsoever relating to his said office, from the beginnig to the time aforesaid, touching or concerning the same. In testimoney whereof, wee haue hereunto sett our hands. Dated in Boston, the 18th of May, 1685. Annoq regni Regis Jacobj Secundj.

1685.

10 July.

[*496.]

Signed by

JOHN RICHARDS,
ELISHA COOKE,
JOHN SAFFYN,
EDWARD MORRIS,
JOHN FAIRWEATHER.

The acquittance & discharge of the Go^o & Company of y^e Massachusetts Bay in New England to James Russell, Esq^r, Treasurer, his heires, execcuto's, &c, stands thus entred & recorded in the Generall Courts booke of reccords, at request of said James Russell, from the 10th of July, 1685.

As attests

EDWARD RAWSON, Secre^t.

1685. *By y^e Gou^rno^r & Company of the Massachusetts Bay in New England, at a Generall Court, held at Boston, 21th July, 1685, on adjournment from 10th sd July.*

21 July.

PRESENT, Symon Bradstreet, Esq^r, Go^v,
 Thō Danforth, Esq^r, Dep^t Go^v,
 Daniel Gookin,
 W^m Stoughton,
 Joseph Dudley,
 Nathā Saltonstall,
 Humphry Davy,
 John Richards,
 Sa^m Nowell,
 Sam^l Apleton,
 Robert Pyke,
 Elisha Cooke,
 W^m Johnson,
 Ju^o Hathorne,
 Sa^m Sewall.

Y^e names of y^e deputys returned to serve at this Court, as y^e dep^t^s booke.

THE Court mett at y^e time. Y^e whole Court being together, wth se^uall of the reuerend elders, the honno^rble Go^vno^r declared y^e cause of this session was to consult the weighty concernes of this colony of the Massachusetts Bay at such a juncture, and desired M^r John Higginson, Seⁿ, to seeke the face of God for his speciall guidance & direction, &c, w^{ch} was donn, and then there was a conference together, &c.

It is ordered, that the Treasurer pay vnto M^r Richard Patteshall the sume of seuentene pounds two shillings in mony, according to his accompt given into this Court, for his brigandine, his oune & mens wages, his porke, pease, &c. Y^e accōt on file.

In ans^r to the petition of Grace Dutch, relict of y^e late Osmond Dutch, of Glocester, this Court impowers & grants liberty to the administrato^rs of said Osmond Dutch, or either of them, wth the aduice & assistance of Left W^m Haskel, M^r James Steevens, & Stephen Glouer, of Glocester, to make sale of any of the lands left by y^e said Dutch for the necessary releife & comfort of his widdow, the petitioner, & to give legall deeds for the same, provided the County Court

of Ipswich allow & approve of it, vnless the children of the sajd Osmand Dutch shall comfortably supply and prouide for hir, y^e widow & petitioner, during her life, at discretion of sd County Court, if the children be minded to saue the lands.

1685.

21 July.

*To the Kings most excellent Maj^{ty}.

[*497.]

24 July.

The humble petition of the Gouvernor & Company of the colony of the Massachusetts Bay in New England, —

Courts addressed to his maj^{ty}.

Sheweth, —

That, although the distance from your maj^{ties} most royall seat, concommi- tant with other vnhappy circumstances, hath disabled vs from being with the first of them who, in this kind, haue binn prostrate at your maj^{ties} ffeete, yett we may, with sincerity, say, we were surprized with sorrow when wee received the sad tidings of the death of our late gracious soueraigne, Charles the Second, of famous memory, whose transcendent grace & princely favour to us hath been as the dew vpon the grasse, and vnder the shaddow of whose protection, thrō the mercy of God, wee haue enjoyed many happy dayes, which losse we feruently pray that it may be more then made vp in your maj^{ty} by your smiling aspect towards vs, your loyall subjects, and your defence of the true Protestant religion, for which we shall vnfeignedly blesse the glorious maj^{ty} of heaven, and with loyall hearts thankfully acknowledge your maj^{ties} goodness therein, being encouraged therevnto by yo^r maj^{ties} gracious declaration, and are thereby imboldned to supplicate yo^r maj^{ty} on behalfe of ourselves, inasmuch as our fathers, & some of us with them, left their native land, with all their pleasant & desirable things therein, embarquing themselves & families, & came over the vast ocean, &, thrō divine conduct, arrived heere in a vast howling wilderness, a considerable part whereof, after they had purchased the natives right, wth sore labour & indefatigable industry, at their oune charges, haue subdued & made fitt for habitation, thereby enlarging the dominions of your empire, which, for the space of fueti yeares & vpwards, by divine assistance, hath binn kept & mainteyned thrō the expence of the liues, blood, and treasure of many of your maj^{ties} good subjects here vnto this day, to the great releife & timely suport of yo^r maj^{ties} plantations in America. And all this was donne & suffered that our fathers, & wee their *children after them, might worship God according to the dictates of our consciences, founded vpon the sacred Scriptures, which liberty of our religion wee esteeme more deare to us then our liues; nor did they come hither but with the approbation & princely encouragement of your maj^{ties} royall ancesto^s, declared in

[*498.]

1685.

24 July.

their letters patents, and afterwards often ratified by the word of a king, which was to us a full assurance of our vninterrupted fruition of the libertjes & priuiledges therein granted; but of late some are risen vp against us, who haue misrepresented our actions, and falsely accused us to our late soueraigne, by meanes whereof wee haue binn (as we are informed) proceeded against by a scire facias and an alias, both returned with nihills in sixe weekes time, in order to the vacating of our charter, and, as we conceive, tending to the ruin of this your majestjes budding plantation.

We dare not, dread soueraigne, presume to justify ourselues in all our actions. Our remotenesse from your maj^{ty}s court, our wildernesse employment, hauing inavoydably rendered us ignorant of many things in law, hath given an occasion for those erro's, which, vpon notice, we haue endeavored the reforming of, and are not conscious to any wilfull male administrations, derogatory to the honno^r & interest of the crowne. What erro's, thrō inadvertency or humane fraylty, haue binn comitted by vs, we humbly implore your maj^{ties} gracious pardon of in this good day, according to the practise of your renowned ancesto's vpon their accession to the throne; and that your maj^{ty} would, in your princely wisdom & clemency, vouchsafe the continuance of those our libertjes, according to our charter, granted & confirmed to us by your most royall predecesso's, that this plantation may grow & flourish vnder the shadow of your maj^{ties} most gracious gouernment, confirmed vnto us according thereto, which, we presume, will be no greife of heart to your maj^{ty} another day, but will add another jewell to your imperiall diadem, and erect a lasting monument of æternall fame in the hearts of this & succeeding generations, & foreuer oblige

Your maj^{ties} loyall & obedjent subjects.

As in duty bound to pray, &c.

24th of July, 1685.

The Court ordered letters to be sent to M^r Humfreys & to M^r Ives, w^{ch} are on file, & was sent by M^r Eldridge.

[*499.]

*It is ordered, that the Treasurer, by his order to M^r Ives, deliuer to Robert Humfreys, Esq^r, all his demands besides y^e ballance of 23^{li} resting in his hands, and also five pounds more to buy him a good bevar hatt, in refferenc to his service doñ for this colony, and further discharge what he shall or may expend about deliuey of this Courts address, now sent him to preseñ to his majesty.

It is ordered, that y^e Treasurer pay vnto M^r Sañ Shrimpton, in behalfe

of himself & y^e rest of the ouners of Mr Foys ships demurrage, nine pounds mony. 1685.

24 July.

This Court is adjourned to the second Wednesday in August next, at one of the clocke.

At a Generall Court, on adjournment, held at Boston, 12th of August, 12 August.
1685.

THE inhabitants of Rowley Village desiring to be a towneship, wee, whose names are vnderwritten, being a comitteee chosen by y^e toune of Rowley, haue consented that they should be a towneship, provided the honord Court see cause to grant their request. Wee, desiring also that the honnored Gennerall Court would be pleased to confirme the lyne wee haue agreed vpon betwixt the toune of Rowley & the village; and so your humble servants remaine, yo^rs, &c.

Agreement for Rowley Village to be a towneship.

DANIEL WYCOM,
JN^o TRUMBLE,
STEPHEN MIGHILL,
EZEKIEL JEWET,
JN^o HOPKINSON,
JOHN LIGHTON.

The ljne annext agreed on was, —

Wee, whose names are vnder written, being chosen by the toune of Rowley, on the one part, & by the village of Rowley, on the other part, to agree about a parting ljne betwixt the toune of Rowley and the village, as being mett together y^e 7th of July, 1685, doe agree as followeth: That the midle bound should be where the ffoot path issueth out of the cart path, not farr of the passe bridge going ouer the great meadow, and from the said midle bound to a forked white oake, neere the meadow formerly lajd out to Elder Rayner, being a bound of that part of the said meadow that ffell to Captaine Whiple on a diuision, and is also the corner bound of a parcell of land lajd out to Ezekiel Northen, being, by estimation, about forty acres, & so going on the same ljne *streight to Ipswich; and from the abouesajd tree, of a streight lyne, to the southwest corner at the three thousand acres, which is a white oake marked wth R and T; & so, from the said tree, northward, on a lyne betwixt the three thousand acres and land layd out to Mr Rogers and

[*500.]

1685.

12 August.

Confirmed by
y^e Court.

John *John* Pickard, till yow come to a white oake marked with S. R. T., being the corner bounds of John Pickards land, standing in the līne betwixt Bradford and the village. Wee farther agree, the inhabitants of the village shall be free from all rates, for tīme to come, to the toune of Rowley, excepting twenty shillings in siluer, to be paid by Joseph Bigsby, Señ, John Pebody, Willjam Foster, Samuel Symonds, Moses Tyler, yearely, to any of the cōmītee, whilst they haue an orthodox minister settled in the village. And further, itt is agreed, that all the cōmīon land lying wthin the village vndevided shall remajne to belong to the toune of Rowley, excepting the farme cōmīonly called the Minister Farme, within the village; and any thing that is due to the country for land lying in the village is to be paid by the inhabitants of the village. In confirmation of what is aboue written, both partjes haue sett to their hands.

JOHN JOHNSON,
SAMUEL PLATTS,
SAMUEL SYMONDS,
DANIEL WICOME,
MOSES TYLER,
STEVEN MIGHILL,
JOSEPH BIXBEE,

JOHN PEBODY,
EZEKIEL NORTHEN,
WILLJAM FOSTER,
JOHN TRUMBLE,
EZEKIEL JUETT,
JOHN HOPKINSON,
JOHN LIGHTON.

Courts grant of
y^e towneship.

The Court, on the cirtificat of the cōmītee and the bounds, agree for the līne betweene Rowley and the village vnder their hands, judge meet to grant the petiçōners request, provided the bounds thereof intrench not on other townes or former grants.

Order to
summons jury-
men to y^e
Court of As-
sistants, out of
w^t townes.

A list of the number of men y^t are to be sent from the seuerall townes hereafter, named to serve on y^e jury of tryalls, & also vpon the grand jury at y^e Court of Assistant, as *as* followeth:—

From Salem, 6;	Charlstoun, 4;	Weymouth, 2;	From Boston, 10;
From Lynn, 3;	Water Toun, 4;	Hingham, 2;	Roxbury, 3;
Cambridge, 3;		Concord, 2;	Dorchester, 3;
		Wooborn, 2;	Dedham, 2;
		Maulden, 1;	Brauntry, 2.

Triall for all juries, 49.

Thus^t past y^e Court.

EDW^D RAWSON, Secre^t.

[*501.]

*The Court judgeth meet to order & appoint Elisha Cooke, & Elisha Hutchinson, Esq^r, M^r Isaac Addington, Cap^t John Phillips, & Cap^t John

Holbrooke to be a committee to consider of the complaint & petition of the loafe bread bakers, and to draw vp something to be presented to this Court at their next meeting, for the rectifying of what may be thought amisse in the law about the assize of bread, and that, in the meane tyme, the clerkes of the market be directed to vse what lenity may be to the bakers, allowing them after the rate of fower shillings for the baking vp each quarter of wheate, the magis^{ts} to appoint time & place of meeting.

1685.

12 August.
Committee as to
loafe bread ba-
kers petition.

In pursuance of the order of the honnord Generall Court, wee haue passed M^r Anthony Stoddards, Señ, his accounts in his booke about the prison disburse, & finde that M^r Stoddard hath received, on account of the county of Suffolke, one hundred twenty eight pounds nineteene shillings & fower pence mony, & twenty pounds three shillings and fower pence as mony from & by the order of James Russell, Esq^r, Treasurer, & finde but one hundred twenty & one pound seven shillings paid out, only he charges five pounds for receiuing mony, so that wee judge ther^e due to the country from M^r Stoddard twenty seven pounds fiuteen shillings eight pence, except this Court allow the five pounds aboue exprest.

Committees re-
turn & order
for y^e Tresu-
rer to require
27th 15th 8th of M^r
Antho. Stod-
dard.

W^M JOHNSON,
JN^O HOLBROOKE,
JERREMIAS SWAYNE.

Boston, July 24, 1685.

It is ordered, that the Treasurer take care forthwith to gather in & receive from M^r Anth^o Stoddard the mony due from him on account of the country, according to the returne of the committee, i. e., 27 : 15 : 8.

In ans^r to the petition of Thomas Walker, brick maker in Boston, it is ordered, that the Treasurer of the country pay vnto him, the petitioner, what is his due remayning to him in mony.

Ans^r to Tho.
Walkers peti-
tion.

James Russell, Esq^r, formerly Treasurer, hauing refused to accept of that service for this present yeare, notwthstanding the Court orders & desires that he looke after the countryes dues for the present, & that he issue out warrants for this yeares assessments, according to law, and they will take care for a new Treasurer *in their sessions in October next. It is ordered, that the secretary issue out his warrants to the respective tounes that the freemen make chojce of a meete person to be present at October Court to serve in the stead of the present Treasurer. Warrants issued out accordingly.

[*502.]

This Court was adjourned to the third Wednesday in September next, at one of the clocke, vnless there be some vrgent occasion to call them sooner.

1685.

16 September.

16th of September, 1685, the Court mett.

PRESENT, Symon Bradstreet, Esq̃, Goũ,
 Tho Danforth, Esq̃, Dep^t Gō,
 Danī Gookin,
 W^m Stoughton,
 Joseph Dudley,
 Humphry Davy,
 Samuel Nowell,
 Sañ Apleton,
 Elisha Cooke,
 W^m Johnson,
 Jō Hathorn,
 Elisha Hutchinson,
 Sañ Sewall.

Courts order to
 major gen^l to
 inspect the
 souldjers being
 provided wth
 amⁿ, &c.

V^PON rumo^r & informations given of new troubles feared to arise from the Indeans, that the country may not be wanting in all due meanes for their necessary safety & defence in case of the breaking forth of warr, or assault made by the Indeans, it is ordered, that the majo^r generall forthwith issue out his warrants to the majo^rs of the respective regiments, that they direct their warrants to the co^mittees of the militia in the seuerall townes vnder their co^mand to inquire into their town stockes, how they are provided, according to law, & to the captaines of the seuerall companies to see that the souldjers vnder their co^mand be furnished with armes & amunition, according to law, & to make returne of any defects in that kind, that the p^enalty of the law may be inflicted on such as are delinquents, & due course taken for redresse thereof; likewise, that the gentlemen heretofore chosen by this Court to the office of sarjant majo^rs of the respective countyes, that haue not as yet officiated in that capacity, haue their co^missions forthwith draune & presented to them, that this Court maybe informed whither they doe accept of them or not, and in case of the refusall, that other provision be made for the settlement thereof.

[*503.]

Courts gratuity
 to Wanalancett
 & other Inde-
 ans, in case,
 &c.

*The Court, being informed by Cap^t Henchman y^t Wanalanset, & other Indeans, complayne of offence offered them by transporting some of their freinds, and that the sajd Wannalanset, & others, are not rewarded for service now donn us in the treaty late with the Indeans at Pennacooke, but not being sensible of any knowing or willfull offence or wrong donn by this Court or

the country to the Indians, yet, for silencing of any murmurings or complaints by them, doe order, that the Treasurer advance tenn pounds in money & cloathing, deliuer the same to y^e major generall, Cap^t Thomas Hinchman, & M^r Jonathan Ting, to be distributed by them amongst said Indians, some writting bein draune vp to be presented to said Indians at the same time to signe, for the rattifficacōn of an intire peace and amity betweene them & y^e English.

1685.

16 September.

The Court, considering the necessity of couering the west stajre case of the toune house with lead,—the wooden couering, being deficient, letts in the rajne, wth decays the majne timber thereof,—it is ordered, that it be donn wth all speed, & that the Treasurer defray the charge thereof vpon the countrys accompt, & the rather in regard the toune of Boston haue long since couered the east stajre case of sd house at their oune cost & charges.

Toune house
east stajre case
to be couered
wth lead.

In ans^r to the petition of Ednah Lambert, relict of the late Thomas Lambert, constable of Rowley, it is ordered, that the said Joseph Boynton mentioned in said petition shall & hereby is impowred as a constable in all respects, as to the gathering in of such rates as yet remajne vn timer, & should haue binn collected by the late deceased constable, & that the said Boynton take y^e constables oath to the faithfull dischargd of that trust.

Joseph Boynton
to officiat
as constable in
Rowley, &c.

John Richards, Elisha Cooke, & Elisha Hutchinson, Esq^{rs}, are appointed a co^mmittee & heereby impowred to repaire to M^r Anthony Stoddard, the late surveyo^r generall, & take his account of the amunition & countrys stocke & store in his hands, & transferr the same to Cap^t Tymothy Prout, who is appointed surveyo^r generall in the said M^r Stoddards roome.

Co^mmittee to
take M^r Stod-
dard, survey^r
ge^ls account.
Cap^t Tim^e
Prout surveyor
gen^l.

*It is ordered, that this session of Court be & heereby is ended, and that there be a second session of Generall Court, to conueane the second Wednesday in October next, at one of the clock.

[*504.]

1685. *By the Gou^rno^r & Company of the Massachusetts Bay in New England, at a Generall Court, on adjournment, held at Boston, the 14th day of October, 1685, by the Gou^rno^r & Company of the Massachusetts Bay in N. England.*

14 October.

PRESENT, Symon Bradstreet, Esq^r, Go^v,
 Tho^s Danforth, Esq^r, Dp^t G^o,
 Daniel Gookin,
 W^m Staughton,
 Joseph Dudley,
 Nath Saltonstall,
 Humphry Davy,
 John Richards,
 Samuel Nowell,
 James Russell,
 Sa^m Appleton,
 Robert Pyke,
 Elisha Cooke,
 W^m Johnson,
 John Hathorn,
 Elisha Hutchinson,
 Sa^m Seawall,

Esq^{rs}.

AS an addition to the law, title Imposts, it is ordered by this Court and the authority thereof, that all masters of shippes, or other vessells, that shall bring into our harbours any wines or strong water, the sajd masters shall, before they breake bulke, give a true and just account, vnder his or their hand, vnto the navall officer, of the quantity and sorts of caske he hath on board, with the markes and numbers of the same, & the persons names to whom it is consigned or doth belong, vpon forfeiture of paying the full duty appointed by law, if any be found which the sajd master gaue not account of; and that the ouno^rs or receivers of such wines or licquo^rs doe, before it be landed, make a true [^] with the officers of the full quantity, vpon forfeiture of what shall be found more then by them entred, or the value thereof; and that the ouners, or who such uines or licquo^rs are consigned to, doe pay doune or give, vnder theire hands, to the officer for the payment of the duties in some convenient time, provided this bind the master no further then to enter all such goods for which he hath signed bills of lading; and if any

more appeare to be on board, taken in wthout the masters knowledg, he shall haue liberty of a post entry. 1685.

14 October.
Law as to
fences.

Whereas there is a generall complaint, in many townes within this jurisdiction, of great abuses offered and damag to particular persons in the laying open of theire proprieties by breaking or laying doune theire fences, barrs, or gates, for the p^rvention of such disorders & vnlawfull actions for y^e future,—

*It is ordered by this Court & the authority thereof, that any person or persons who shall presume, from & after the publication heereof, to breake doune any fence, stone wall, or lay open any gates or barrs, breake or open any locks fastned to such gates or barrs standing vpon any mans propriety or enclosure, (vnless in case of *standing vpon any mans propriety or inclosure, vnless in case of* clayming, and making out of title to such land,) which person or persons, vpon due conviction of such offence, shall be fined twenty shillings in money, one halfe to the vse of the county, the other halfe to the party injured, and shall also be liable to pay all such damage as any person may susteyne in his propriety or inclosure thereby, to be judged of by the Court or other authority that shall haue the cognizance thereof, or otherwise to be recouered in a due process of law. [*505.]

It is ordered, that euery Treasurer, notwithstanding the expiration of his office, shall haue as full power for the prosecution of the seuerall constables and collection of the rates and collection of the rates which were issued out & committed to them in his time; also, for the gathering in all other dues arising to the countrey by virtue of the lawes, tit Imposts, and Impost on Wine and strong Licquo^s, during his treasurership, as he was impowred to doe whilst in that office. Treasurers power.

It is ordered, that all attachments in civill actions between party and party shall be served fowerteen dayes inclusive before the Court or time of tryall, any former law or custome to the contrary notwithstanding, and the like to be attended in giving in reasons of appeale. Time for service attachmt & give in reasons of appeale 14 days.

As an adition to the law, title Wills, it is ordered by this Court and the authority thereof, that the magistrates of each County Court in this jurisdiction, being annually chosen by the freemen, shall *haue full power & authority (as the ordinary in England) to sumons any execcuto^r or execcuto^{rs} appointed to the will of any deceased person, who haue declared his or their acceptance of that trust by offering the said will for probate, or otherwise requiring him, her, or them to give bond, with sufficient suretjes, for paying all debts and legacies, or to make and exhibbit vnto the Court, vpon oath, a just and true inventory of all the knoune lands, tennements, goods, & chattells of the deceased; and in case suche execcuto^r or execcuto^{rs} shall neglect or refuse so to Addition to y^e law, title Wills, &c. [*506.]

1685.

14 October.

doe, said Court shall proceed against such person or persons by imposing a fine or fines vpon them, not exceeding tenn pounds p moneth for euery monthes default after the expiration of the time that shall be appointed by the said Court for bringiñ in an inventory; and vpon complaint of any creditor or legatory, they shall call any executo^r or executo^{rs} to render an account of his or their administration.

And it is further ordered, that the said Court shall haue full power to receive any information or complaint from any legatee or credito^r against any executo^r for the deteyning any legacy or any legacies given by the testato^r or debt due from the said estate, and to grant suñon^s and process, as is vsuall in other cases, for the appearance of such executo^r or executo^{rs}, at dayes and place assigned by the said Court; and vpon neglect or refusall to appeare accordingly, the Court shall proceed to the hearing of the complaint, and to make their decree and determination thereon, and to grant forth execution for the fullfilling thereof; likeuse, to heare & determine all cases relating to wills and administrations, and to make theire decrees and grant executions there vpon, allowing to the party agreived liberty of appeale to the magistrates of the next Court of Assistants, such partjes attending the law as in other cases respecting appeales; alwayes provided, that where matter of fact is controverted, then either plaintiff or defendant may haue a tryall thereof by a jury, if it be desired, wth liberty of appeale to the next Court of Assistants, as the law directs, any law, vsage, or custome to the contrary notwithstanding.

[*507.]

Pouder mony,
how & by
whom to be
improved, &c.

*The honno^{ble} Governo^r hauing signified to the Court that there is a considerable sume of pouder mony in his hands perteyning to y^e country, it is ordered, that the late Treasur^r, M^r James Russell, improoue it for the buying of pouder for the vse of the country by the first & best opportunity.

Anst to Cap^t
Blackwells pe-
tiño.

In answer to the petition of Cap^t John Blackwell, Esq^r, the Court granth his request, i. e., liberty to sett vp the two old houses y^t he tooke doune in the yard belonging to the house he hath hired to his better sattisfaction, wth bricks, & couering them with shingles, &c.

Humphry Bar-
ret ensis, Con-
cord.

Humphry Barrett is appointed ensigne to the ffoote company in Concord.

Joseph Hawley
leñ, & Timo.
Baker ens., of
Northampton
compa.

It is ordered, that M^r Joseph Hawley be leiftenñt, & Timothy Baker ensigne, to the ffoote company of Northampton vnder the conduct of Aron Cooke, captain.

Anst to M^r An-
tho. Checkleys
petiño.

In answer to the petition of M^r Anthony Checkley, the Court grants the petitioners request as to a hearing of the case mentioned, on the second day

of the next sessions of this Court, at nine of the clocke in the morning, the children of the mentioned Butle^r & partjes concerned hauing notice given them to attend their concernes & the Courts issue.

1685.

21 October.

Cap^{tn} John Phillips hauing this day given in his fynall answer, & refused to accept of the country^s choyce for being Treasurer, Samuell Nowell, Esq^r, is appointed by this Court to be Treasurer for this yeare & to next election, it being concluded y^t y^e act be not deamd donne to exempte for the future.

Sam. Nowel,
Esq^r, Treas^r, 21
October, 1685.

In regard this Court haue already made their humble adresse to his maj^{ty}, to be presented by the hand of Robert Humfreys, Esq^r, who hath binn improoved to negotiate in England in behalfe of this colony, it is ordered, that a duplicate of that address, wth an encouraging letter, to be sent to M^r Humfreys to attend his maj^{ty}, to vnderstand his gracious acceptance thereof, & to signify the same to us, this being the next opp^tunity since the sending that forward.

*It is ordered, that M^r Nowell, M^r Cooke, M^r Addington, wth the secretary, are appointed to effect it. [*508.]

It is ordered, that there be one rate in country pay, and also halfe a rate $1\frac{1}{2}$ rates. in money, levyed this yeare for the discharging of the country debts and necessary disbursments, & that the prises of corne for y^e payment of the country rates for this yeare shallbe: viz^t, wheate at 5^s 6^d p bush, rye at 4^s, barly & barley mault at fower shillings sixe penc, Indian corne at three shillings, pease at fower shillings, and oates at two shillings; all good & merchantable.

It is ordered, that this Court be adjourned to the third Tuesday in November next, at one a clocke, except there shall happen some great occasion it should be conuened sooner; & so y^e Court arose.

1685. *By the Governo^r & Company of the Massachusetts Bay in New England. At a Generall Court, on adjourn^t, held at Boston, 17th November, 1685, and then satt.*

17 November.

PRESENT, Symon Bradstreet, Esq^r, Gō,
 Tho^o Danforth, Esq^r, Dep^t Gō,
 W^m Stoughton,
 Joseph Dudley,
 Nath Saltonstall,
 John Richards,
 Sa^m Nowell,
 James Russell,
 Elisha Cooke,
 W^m Johnson,
 John Hathorne,
 Elisha Hutchinson,
 Sa^m Seawall.

Dep^{ts} as in y^e book.

IN answer to the petition of Jacob Elljot & Benjamin Daus, humbly desiring the Courts favo^r to grant Abigail Daus, y^e relict of y^e late W^m Daus, liberty to erect a timber leantoo behind hir house at y^e south end of Boston, the Court grants hir request therein.

In answer to the peti^{ti}on of Joseph Sill, humbly desiring the Courts favour to grant him some lands where he can find it, hauing binn imployed in the country^e service in y^e late Indean warr, —

Vpon the consideration that this Court hath already granted a plantation of eight miles square, in the Nepmug country, for the accomodating such as were souldiers in the late warr, wth whom the petitioner may haue liberty to come in for a settlement, if he thinke good.

Sarjant Andrew Gardiner is appointed ensigne to the ffoote company in Boston, in Assaph Elljots roome, deceased.

[*509.]

Ans^r to Major
 Rich^ds re-
 quest.

*In ans^r to the motion & request of Majo^r John Richards, Esq^r, to sett up a leantoo, or shed of tymber, at the end of his warehouse, on his wharfe, next the sea, the Court grants him liberty accordingly.

Ans^r to Georg
 Monks peti.

In answer to the petition of George Monck, the Court judgeth it meet to grant the petitioners request, i. e., liberty to erect a timber shed in the, or adjoynd to, y^e com^on, for provision for his cow, &c.

In answer to the petition of Thomas Gardiner, of Muddy Ryuer, the Court grants his request, & discharges him from his rate of forty shillings imposed on him for y^e price of wast land, as desired in his petiçon. 1685.

In answer to the petition of Thomas Joanes, the Court judgeth it meet to referr the answer of this petition to the County Court of Mudlesex, to doe in the matter as they shall judg meet according to law.

17 November.
Ans^r to Thom-
as Gardiners
petiçon.
Ans^r to Tho.
Jones petiçion.

Whereas it hath binn pleaded by the children of Stephen Butler, on the Courts begining to heare the case betwene Anthony Checkly, attorney to W^m Hollowells children, & them, that they were surprized, & had not time to procure those writtings that were necessary to the case depending, M^r Checkley also desiring that there might be a full house at the determination of the case, the case is respitted till the next session of this Court, vpon adjourment, that so either party may haue libertje & oppertunity to furnish themselves with such papers as may be for either of their advantage, and the time appointed to be the second day of the sitting of this Court, at nine of the clocke.

Inter Checkley
& Butler.

This Court is adjourned vnto Tuesday, the 16th of February next, at one of the clock, vnless any emergent occasion, as the arrivall of any shipp or other vessell from England, bringing any comānds from his maj^{ty} of publick concernment, doe call for their convening together sooner.

Courts act as
to adjourn^{ts}.

Vpon the first certeine information thereof, the secretary is ordered forthwith to dispatch a signification *thereof in writting vnto the seuerall members of this Court, to meet in Generall Court at Boston the second day after the date of such signification, by one of the clock, with such other deputjs as the ffreemen of the respective townes shall see good to send and add to them; vnto which time this Court is adjourned in such a case aforesajd. [*510.]

In case of the absence of the secretary, the Treasurer is to make supply.

1685-6. *By the Gou^rno^r & Company of the Massachusetts Bay in New England. At a Generall Court, held at Boston, on adjourment, on the 16th day of February, 1685.*

16 February.

PRESENT, the Gou^rno^r,
 Dep^t Gou^r,
 Daniel Gookin,
 W^m Stoughton,
 Joseph Dudley,
 John Richards,
 Humphry Davy,
 Samuel Nowell,
 James Russell,
 Saff^r Apleton,
 Elisha Cooke,
 W^m Johnson,
 John Hathorn,
 Elisha Hutchinson,
 Saff^r Sewall, Esq^{rs}.

AS an explanation of & addition to the law, title Wills, —
 Whereas, the magistrates or members of the respective County Courts haue allwayes had power to receive & record all probates of wills, & of granting administrations, &c, it is further ordered by this Court and the authority thereof, that each County Court within this jurisdiction shall haue full power & authority, ffrom time to tjme, as they shall see cawse, to sumon any execcuto^r or execcuto^{rs} of any deceased persons last will & testament, legally proved & on record, to appeare before the sajd Court, and to require him, her, or them to make & exhibbit into the registry of the Court a just & true inventory, vpon oath, of all the knoune lands, teniements, goods, and chattells of the deceased, or to give bond with sufficient suertjes for the paying of all debts and legaties of the deceased. And in case such execcuto^r or execcuto^{rs} shall neglect or refuse so to doe for the space of thirty dayes next after, or such further time that the sajd Court shall to them ljm^{it} & appoint, the Court shall proceed agānst such persons, by imposing a fine or fines vpon them not exceeding tenn pounds p mon^{eth} for euery months default after the expiration of sajd time so appointed, also vpon the complaint of any credito^r or legatory [^{*511.}] to call any execcuto^r to *render an accompt of his or their administration.

And it is further ordered by this Court & authority thereof, that the County Courts respectively shall haue full power to receive any information or complaint from any legatory or credito^r against the execcuto^r or execcuto^{rs} to the will of any deceased person, for the deteyning from him, hir, or them any legaty or legatys given by the testato^r, or debt due from the estate of such testators, and to grant forth sumons or process, together with a copy of said complaint or information annexed, for the appearance of such execcuto^r or execcuto^{rs} before said Court, the said warrant, with the libell annexed, to be served fowerteen dayes inclusively before the day appointed for appearance ; and it shall be in the power of the Court to order the time of hearing at their first sessions, or at any adjournment of said Court as to them shall seeme meet. And vpon neglect or refusal of such person or persons to appeare accordingly, the Court shall proceed to the hearing of the case, and make their judgment or decree therein, & grant forth executions for the fullfilling thereof; likewise to heare & determine all cases relateing vnto wills and administrations, and to grant forth executions vpon their judgment given therein.

1685-6.

16 February.
Explanation &
addition to y^e
law, title Wills

Allwayes provided, that where matter of fact is controverted, then either plaint^r or defendant, desiring the same before issue be joyned, may haue a tryall thereof by a jury to be forthwith somoned by warrant from said Court; if there be no jury then empannelled, the said party or partjes making their whole plea or allegation as to all matters of fact at their first hearing and answer, that justice may not be delayed, allowing liberty for any party agreede at the judgment and determination of the Court, or virdict of the jury, to appeale to the next Court of Assistants, giving in their reasons of appeale as the law directs in either cases; and euery person, before his complaint be received or admitted, shall give caution vnto the Court to value of tenn pounds in *money to respond all such charges & fees as the Court shall award, any law, vsage, or custome to the contrary notwithstanding, provided, that law shall not be vnderstood to debarr any person or persons from proceeding in the former & vsuall course of law for the recouery of any debt or legacy due from the estate of the deceased person expressly determined by will.

Form^e law, title Wills, repealed.

[*512.]

And the law intituled An Adition to the Law, title Wills, made October the fowerteenth, 1685, is heereby repealed.

This Court, considering how apparent the threatning hand of God is, by reason of the spreading of that infectious disease of the smalepox in some townes in the country, together with other evils impending ourselues & the churches of Christ abroad, as also in the more than ordinary severity of the winter, &

A day of humiliation.

1685-6. the losse of many of our cattell occasioned thereby, haue appointed the 25th day of March next to be kept as a day of solemne humilliation & prayer throughout this colony, that wee may obteyne fauour from God for the diuerting these tokens of his anger, and his smiles towards us in the spring & seed time approaching, and to this end, doe recommend it to the elders & ministers of the respective churches to promote this worke on the said day, forbidding seruelle labour to all people w^{thin} this jurisdiction thereon.

Ans^r to Manchester petition on file.

In answer to the petition of the toune of Manchester, the Court judgeth it meet to recommend the petitioners to the charity of the neighboring churches & congregations to afford them some present releife & assistance.

Ans^r to Edw^d Broomfeild petition.

The Court, on the motion of M^r Edward Broomfeild, doe grant him liberty to erect a timber porch to his house, not exceeding eight foot wide & tenn foote long.

Ans^r to Wrentham petition & y^e liberty.

In answer to the petition of the inhabitants of Wrentham, humbly desiring the favo^r of this Court, (their com^{it}tee hauing consented to & approved of their desire therein,) it is ordered, that they haue liberty to choose their select men to order their prudentiall affaires.

M^r Sam. Checkly ensig. to Cap^t Wings compa.

M^r Samuel Checkley, being nominated by the com^{it}tee of militia to be ensigne to Cap^t Wings company, the Court doth allow & approve thereof.

[*513.]

Sam. Nowell, Esq^r, navall officer.

*For asmuch as James Russell, Esq^r, navall officer, doth declare to the Court his desire to be freed from that trust, his desire is therein granted; and it is ordered, that Samuel Nowell, Esq^r, be the navall officer, & exercise that trust vntill this Court take further order, & to be com^{is}sionated & sworne as the law directs.

Ans^r to Jer. Neale peti., adm^{is} to Nath. Pitmans estate.

In answer to the peti^{ti}on of Jerremiah Neele, of Salem, it is ordered, that the petitioner be referred to the County Court of Essex to inspect the matter of the petitioner, & if they find it necessary, as is presented, they are hereby impowred to grant the petitioner liberty to make [^] of so much of the land as maybe necessary to satisfy y^e debts.

Ans^r to Martha Athys peti^{ti}on.

In answer to the petition of Martha Athy, late relict of Abraham Smith, & administratrix to his estate, it is ordered, that the petitioner be referred to the County Court of Middlesex, she euidenting that there are just debts owing from the estate of her late husband more then the mooveables will reach, to satisfy; that, then, they appoint a com^{it}tee to sett out such a ^a part of y^e land (to the least detriment of the remayning estate) as shall amount to the said sume, which the petitioner is impowred to make sale of for discharge of said debts.

Ans^r to Natick Indians peti^{ti}on, &c.

In answer to the petition of the inhabitants of Natick, James Rumly Marsh, Peter Ephraim, Thomas Tra, &c, Indeans, the Court, hauing persved

the petiçōn, judge meet to grant their request therein mentioned, to give or sell a tract of land to Thomas Sawin, to erect a corn mill in their toune, vpland & meadow, not exceeding fifty acres, Majo^r Geñ Gookin approving thereof.

1685-6.

16 February.

In ans^r to y^e petiçōn of W^m Lyon, nothing donn as to a ljense.

In ans^r to the petition of Jn^o Langley, it is ordered, that, whereas John Langley, of Hingham, hath presented his accompt of charges in mainteyning & looking after Patrick Bymion, a wounded seaman, lodging at his house, amounting to the sūme of thirty one pounds seventeen shillings, that he be forthwith payd five pounds in money by the Treasurer towards said charge, and Cap^t Jn^o Holbrooke, Lef^t Samuëll White, of Weymouth, with Cap^t Jn^o Jacob, of Hingham, be a cōmittee to audit & examine the accō, & to make report thereof to the country Treasurer, & he to take care of y^e payment hereof wth what speed may be.

Acco^t was, —

Patrick Bymion, deb^t to 50 weekes djet, & dressing his wounds.

Washing & lodging, at his house, 29 00 00

For 3 journeys to Boston, & medicines, at 2 17 00

Ɔ Con^ta. Country credit, at 06 00 00

12 x x x .

*In ans^r to the petition of Samuel Read, of Charls Toune, a wounded souldjer, it is ordered, that Ensigne James Conuers, Mr Job Lane, & Cap^t Jerremiah Swajne, together with the selectmen of Charls Toune, inquire into the condition of Sa^mill Read, & make report thereof vnto the next session of this Court. [*514.]

It is ordered, that Elisha Cooke & Elisha Hutchinson, Es^qs, with Cap^t Timothy Prout, Cap^t Jn^o Holbrooke, & Leiften^t Samuel White, be a cōmittee & impowred to vejw the buildings on the lands formerly Benj^a Wards, now in the possession of Steven Butler, & to informe themselue, by the best wayes & means they can, what charges & reparations the said Butler hath disbursed vpon them, and what the said buildings are, better or worse, since they came into the possession of the said Butler, and to make report to the next sessions of this Court.

This Court is adjournd vnto Tuesday, y^e 11th of May next, at eight of the clocke, vpon the same condittion of being called in case as is provided for in y^e last adjournm^{nt}, in euery respect.

1686. **By the Gou'no^r & Company of the Massachusetts Bay in New England. At y^e Geñ Courts adjournment, held in Boston, 11th May, 1686.*

11 May.

[*515.]

THE comitte made their returnes of what was comitted to them as to the referenc relating to y^e case begun of M^r Anthō Checkley, atturny to y^e Holloway & Stephen, Butlers children.

By the Gouverno^r & Company of the Massachusetts Bay in New England.



SYMON BRADSTREET, Gou.

To all to whom these presents shall come & may concerne, greeting. Know yee, that, whereas the honored Generall Court of the abouesajd colony hath appointed vs, whose names are herevnder written, as a comitte to take in the accompts of James Russell, late Treasurer, for the yeare one thousand six hundred eighty & fower, and give the said Treasurer a ffull discharge therevpon, with the seale of the colony affixed therevnto, therefore, by virtue of the power comitted to vs by the honored Court, in the behalfe of the Gouverno^r & Company aboue said, bearing date the 27th day of May last, wee haue pervsed and examined his accompts, and finde the cuntryes credit for rates, fines, & imposts, &c, since his former accompt, amounts to the sume of nine hundred sixty two pounds one shilling & two pence in country pay, & eighteen hundred eighty fower pounds two shillings & eight pence mony, which wee finde to be all disbursed and payd for the vse of the abouesajd Massachusetts colony, and the said accompts adjusted and ballanced to our satisfaction ; and wee doe therefore, in the behalfe of the Gouverno^r & Company abouesajd, by these presents, ffully and absolutely remise, release, and for euer acquitt and discharge the aforesajd James Russell, late Treasurer, his heires, execcuto's, & administrato's, from all rates, fines, reconings, accompts, receipts, and imposts, and all other transactions referring to the abouesajd colony and the said Russell, as Treasurer of the same, from the beginning of the world to the day of the date hereof, by reason of any matter or thing whatsoeuer relateing to his said office, or touching & concerning the same. In testimony whereof, wee haue herevnto sett our hands. Dated in Boston, the eleventh day of May, anno Domini 16 hundred eighty sixe, annoq regnj Regis Jacobj secundj, Angljæ, &c, secundo.

This acquittance signed by

JOHN RICHARDS,
ELISHA COOKE,
JOHN SAFFYN,
EDWARD MORRIS.

This acquittance & discharge of the Goũno^r & Company of the Massachusetts Bay in New England to James Russell, late Treasurer, stands thus entred & recorded in the Generall Courts booke of reccords, at request of the sajd James Russell, from the day of the date hereof, 11th May, 1686.

Attests EDW^d RAWSON, Secre^t.

[Page *516 is blank.]

1686.

11 May.

**By the Goũno^r & Company of the Massachusetts Bay in New England. At a Generall Court for Elections, held at Boston, 12th of May, 1686.*

[*517.]

12 May.

SYMON BRADSTREET, Esq^r, was chosen Goũno^r for y^e yeare ensuing, & tooke his oath y^e same day.

Thomas Danforth, Esq^r, was also chosen Dep^t Goũ, & tooke his oath at y^e Goũno^r house y^e same day.

Daniel Gookin, Esq^r,

& also Majo^r Geñll.

^{Except} John Pynchon,

W^m Stoughton, 1 Comiss^r,

Nathanⁱ Saltonstall,

Humphry Davy,

John Richards,

Samuel Nowell,

James Russell,

Peter Tylton,

Sa^m Apleton,

Robert Pyke,

Elisha Cooke,

W^m Johnson,

Jn^o Hathorne,

Elisha Hutchinson,

Sa^m Sewall,

M^r Isack Addington,

Cap^t Jn^o Smith,

& Comission^r & Treasurer, & took his oath the 13 May.

Esq^s, were chosen Assistants, & took all their oathes to their places y^t day & y^e next, excepting M^r Stoughton & M^r Pynchon, then absent, &c.

Seale.

Edward Rawson was chosen Secre^t, & tooke his oath 13 May.

13 May.

1686.

13 May.

The names of the deputies returned to serve at this Court were, from Salem: Left Jn^o Putman.

Charls Tō: Cap^t Rich^d Sprague, Cap^t Jn^o Phillips.

Dorch: M^r W^m Sumner.

Boston: Cap^t Tim^o Prout, M^r John Saffyn, Cap^t Penn Townsend.

Roxbury: M^r Edw^d Morris.

Wate^r: M^r Symon Stone.

Camb^r: Left Edw^d Winship, M^r Samuel Champney.

Lyn: Leiftenūt Oliuer Purchis.

Ipswich: Cap^t Daniel Epps, M^r Symon Stacy.

Newb^o: M^r Rich^d Bartlett, Left Stephen Greenleaf.

Weymo^h: Cap^t Jn^o Hollbrooke.

M^r Edward Oakes for Concord.

Left Nathanī Sternes, Ensīg Thomas Fuller, Dedham.

M^r Jn^o Peirson, M^r Jn^o Todd, Rowley.

M^r Samuel Tompson, Braintry.

Ensigne James Convers, M^r Mathew Johnson, Wooborne.

M^r Peter Ayres, Hauerill.

M^r Medad Pumroy, Northampton.

M^r Samuel Partrig, M^r Thomas West, Hadley.

Cap^t W^m Raymon, Beuerly.

Cap^t Jerrē Swajne, Redding.

M^r James Steephens, Gloucester.

Cap^t Thomas Fiske, Wenham.

Left Thomas Thirston, Meadfeild.

Left Thomas Baker, Topsfeild,

M^r Abraham Reddington. As returned.

M^r John Saffin was chosen their Speaker for this session.

[*518.]

Courts ans^r to
M^r Jn^o Clarke
pet.

*In ans^r to the petition of M^r John Clarke, of Boston, a chirurgion, the Court judgeth it meet totally & absolutely to remitt the forfeiture of his bond of two hundred pounds, according to his desire, w^{ch} past 21 M^{ch}, 1684, & being omitted by y^e secretary then to enter it, the secretary is ordered by y^e magis^s to enter it forthwith, w^{ch} is thus here donne.

CoMittée to re-
turne y^e Courts
thanks to M^r
Wigglesworth.

It is ordered, that M^r Humphry Davy & M^r Treasurer give the Reüend M^r Michael Wigglesworth the thanks of this Court for his sermon on Wednesday last, & to desire him speedily to prepare the same for the presse, adding

thereto what he had not then time to deliuer, the Court judging that the printing of it will be for publick benefitt.

1686.

In answer to the petition of Joshua Scottow, the Court grants the petitioner five hundred acres of land more, as an addition to the four hundred acres formerly granted, & to be in the same place, & on the same conditions, in full of all demands.

13 May.

Ans' to Cap^t
Scottows pet

This may informe the much honno^ded Generall Court that this tract of land of five hundred acres is exactly measured, the just quantity, as neere as may be, wthout fraud or deceite. The plott is lajd doune by protācter, scale, & compass, according to art. The first angle, a white oake by the corner of the meadow: this l^jne runns south, 5 degrees to the west, three hundred and twenty rods, meadow, in 2 parcells, a twenty or thirty acres, & writt bad land a great deale. The second angle, a white oake by a swampe: this l^jne runns east, 5 degrees to the south, two hundred & fuetty rods. 3. This l^jne or angle, vpon a right line, north, five degrees to the east, 320 rods, & judge half the farme good stony land. The 4 l^jne runns west from a chestnut tree on the side of it; a hill in it called Ashants Hill; a brooke runns through it called Cold Harbo^r Brook; runns west, 5 degrees to the north, two hundred & fuetty rods. This land lyeth between Marlborough, Lancaster, & Worcester, & is a grant of the much honored Generall Court to M^r Edward Rawson, Secretary.

Edw^d Rawsons
500 ac^{rs} layd
out & ap-
proved.

By me, JOHN HEYNES, of Sudbury.

The Court approoves of this survey & returne.

As attests HUMPHRY DAVY, p order.

In ans^r to the petition of Benjamin Bosworth, the Court grants the petitioner two hundred acres of land where it maybe found free from any other grant, & not hindering the setlement of a plantation, making returne to the Generall Court for further confirmation, as y^e law directes.

Ans^r to Benj.
Boswth peti-
tion.

In answer to the peti^con of Elizabeth Hobson, the Court judgeth it meet to referr the matter to the examination & inspection of the County Court in Essex, & to act therein for the releife of the widdow as they in their wisdome shall deeme legall & necessary.

Ans^r to Elisa
Hobsons pet.

*Gentⁿ:—

Wee haue pervsed what yow left wth us as a true copy of his maj^{ties} commission, shewed to us the 17th instant, impowring yow for the gouerning

[*519.]

20 May.

Courts reply to
his maj^{ty} co-
missions, &c.

1686.

20 May.

of his majties subjects inhabitting this colony, and other places therein mentioned.

Yow then applyed yourselues to vs, not as a Gofino^r & Company, but (as yow were pleased to terme us) some of the principall gentlemen and cheife of the inhabitants of the seuerall townes of the Massachusetts, amongst other discourse saying it concerned us to consider what there might be thought hard & vneasy.

1. Vpon pervsall whereof wee finde, as wee conceiue, first, that there is no certejne determinate rule for your administration of justice, & that which is seemes to be too arbitrary.

2^o. That the subjects are abridged of their liberty as Englishmen, both in the matter of legislation and in the laying of taxes, and indeed the whole vnquestioned priuledge of the subject transferred vpon yourselues, there being not the least mention of an assembly in the comission.

And therefore wee thinke it highly concerns yow to consider whither such a comission be safe, either for yow or us; but if yow are so sattisfied therein as that you hold yourselues oblejded thereby, and do take vpon you the government of this people, although wee cannot give our assent thereto, yet hope shall demeane ourselves as true & loyall subjects to his majty, and humbly make our addresses vnto God, &, in due time, to our gracious prince, for our releife. Past by the whole Court, nemine contradicentes.

By order, EDW^d RAWSON, Secre^t.

20th May, 1686.

Superscribed, —

These for Joseph Dudley, Esq^r, & the rest of the gentⁿ named in his majties comission.

[*520.]

Courts act &
order for a re-
pository of, &c.

*Ordered by this Court, that Samuel Nowell, Esq^r, M^r Jn^o Saffin, & Cap^t Timothy Prout be a comitte^e for a repository of such papers on file with the secretary as referr to our charter, & negotiations, from time to tyme, for the security thereof, with such as referr to our title of our land, by purchase of Indians or otherwise; and the secretary is ordered accordingly to deliuer the same vnto them.

Ans^r to Abigail
Benj^a pet.

The Court, hauing pervsed the petition of Abigail Benjamen, judge meet to refferr the matter thereof to the next County Court of Middlesex to be duely examined, & they are heereby impowred to determin the case as they judge meet.

Ans^r to Tred-
well & War-
ners pet.

In answer to the petition of Nathaniel Tredwell & Jn^o Warner, the Court judge meet to refferr the matter thereof to the consideration of the

County Court in Essex to the matter thereof, & settle the estate for the just ends therein mentioned.

1686.

20 May.

In answer to the petition of John Shephard, of Concord, it is ordered, that, if it appeare by record that there was such a grant & survey & returne, & accepted by the deputies, as is supposed by the petitioner, approoved of by the magistrates, & a fajleur in entrance, & he desiring that some of the inhabitants of Stow may appeare & psent their objections, it is granted, that he & they haue the oppertunity the next sessions of Court, & notice to be given accordingly.

This day the whole Court mett at the Gofino's house, & there the Court was adjourned to the second Wednesday in October next, at eight of the clocke in y^e morning.

MISCELLANEOUS RECORDS.

MASSACHUSETTS RECORDS.

MISCELLANEOUS ENTRIES CONTAINED IN THE FIFTH VOLUME OF RECORDS.

[In an unknown chirography.]

Grant to William Blathwayt, Esq.

1680.

19 May.
[*1.]

*CHARLES the Second, by the grace of God, of England, Scotland, France and Ireland, King, Defender of the Faith, &c^a, to all to whom these presents shall come, greeting. KNOW YEE, that wee, out of our royall care of the good government and direction of our affaires in the remoter parts of the world, and particullarly taking into our princely consideration how necessary it is for us to settle our revenues arising in and from our severall forreign dominions, islands, colonies, and plantations in America, and how much it would tend to the advantage of our service and benefitt of our subjects to make some better provision for the due payment to us, our heires, and successors, of our said revenues, and for the due and orderly takeing, examining, and stateing the accompts of all and every y^e collectors, receivers, auditors, treasurers, subcollectors, and other inferiour officers, ministers, and persons to whom it shall or may appertaine or belong to act x x in or with the said collecting, levying, or receiving of any the sums of money growing or arising, and due and payable, unto us in x x any of our forreign dominions in America, which will be effected and brought to pass by the erecting an office for the inspection, examination, and auditt of all and singular accompts of all monys arising & growing, due and payable, to us, and accruing within our said dominions and colonies, HAVE, for the causes and reasons aforesaid, as also for divers other great and weighty causes and considerations us hereunto especially moveing, created, erected, and established, and by these presents, for us, our heires, and successors, do create, erect, and establish, an office of generall inspection, examination, and auditt of

1680.

19 May.

[*2.]

all and singular accompts of all and every sum and sums of money arising and groweing, due and payable to us, and accrewing, or which shall arise and grow, become due and payable to us, and accrew in or from any of our fforreigne dominions, colonies, and plantations in America; and the chief officer thereof shall be stiled & called y^e Surveyor and Auditor Generall of all our revenues arising in America. AND *and KNOW YEE further, that wee, reposeing especial trust & confidence in the faithfulness, abilityes, and circum-spection of our trusty & well beloved subject William Blathwayt, Esq^r, and for divers other good causes and considerations us thereunto especially mooving, of our especial grace, certain knowledge, and meer motion, have given & granted, and by these presents do give and grant, unto the said William Blathwayt the said office of Surveyor and Auditor Generall of all our revenues arising in America. And wee do also give to him, the said William Blathwayt, full power and authority to inspect, examine, state, and auditt, and, with the allowance, authority, & consent of the lord high treasurer, comissioners of our treasury, or chancelour of the exchequer, for the time being, to determine all and singular accompts of all such rents, revenues, prizes, ffines, escheats, fforfeitures, duties, and profitts whatsoever as are by reason or cause of any matter or thing hapned or fallen since the begining of the first warr that was between us and the States Generall of the United Netherlands since our restauration, and not before, and which shall at any time hereafter happen, ffall, become, or be due, payable, or accruing to us, our heires, and successors, dureing the continuance of this grant, in or from all or any of our said fforreigne dominions, islands, colonies, or plantations in America; as also by all lawfull wayes and means to cause to be recovered and payd to the pper officers, to our use, all such rents, revenues, prizes, ffines, escheats, forfeitures, duties, and profitts as are now, or shallbe hereafter, due or owing to us, our heires, or successors, within or from our said fforreign dominions in America, and to do and performe all and every such matter, cause, or thing in relation to the said accounts and revenues which to the office and places of our surveyor generall, or any our auditors of our exchequer in England, doth or may belong or appertaine as to our ax and revenues in England, and him, the said William Blathwayt, surveyor and auditor generall of the rents, duties, revenues, prizes, ffines, forfeitures, escheats, and profitts aforesaid, Wee do by these presents, for us, our heires, and successors, make, ordaine, and constitute, *To HAVE, HOLD, enjoy, and excercise the said office of surveyor and auditor generall unto him, the said William Blathwayte, by himselfe or his sufficient deputy or deputies, for and dureing the time and so long as he shall well behave himselfe in y^e s^d office.

[*3.]

1680.

19 May.

And for the better encouragement of him, the said William Blathwayt, dilligently and faithfully to execute the said office and employment of surveyor and auditor generall as aforesaid, Wee have given and granted, and by these presents do give and grant, for us, our heires, and successors, unto the said William Blathwayt the annuity and yearly salary of five hundred pounds sterling, to have, hold, receive, and enjoy the said annuity or yearly salary of five hundred pounds sterling to him, the said William Blathwayt, dureing his good behaviour in the said office, out of the said rents, revenues, prizes, ffines, forfeitures, escheats, duties, profitts, arising or growing, due or payable as aforesaid, in or from our said dominions, colonies, and plantations of America, by the hands of our treasurers, receivers, collectors, or other officers or persons for the times being, out of such of our treasure as shall be remaining in their hands, after and according to y^e pportion following: that [^] to say, out of all and any the rents and other the duties and profitts aforesaid, arising in or from o^r dominiō and colonies of Virginia, the sume of one hundred pounds; out of our Island of Barbadoes the sum of one hundred & fifty pounds; out of our islands, comonly called the Leeward Charribby Islands, the sum of one hundred pounds; and out of our Island of Jamaica the sum of one hundred and fifty pounds; to be allowed them on their respective accounts, and to be received by the said William Blathwayt, as aforesaid, quarterly, at the four most usuall feast dayes in the year, by even and equall portions, and the s^d payment to commence from the Feast of the Annunciation of the blessed Virgin Mary last past. And wee do hereby authorize, will, and *direct all officers and persons whom it may concern to make due payment and allowance of the said annuity or salary of five hundred pounds sterling in manner as aforesaid, according to the purport, true intent, and meaning of these presents, for which the acquittance of the said William Blathwayt, his execut^rs or administrators, shall be unto such officers and persons a sufficient discharge. AND to the end the said office of surveyor and auditor generall may be duely and rightly executed, WEE do hereby will and comānd the said William Blathwayt and his deputies to be obedient to and to observe such orders, rules, and directions for and concerning the same and relateing thereunto as the high treasurer of England or the comissioners of the treasury and the chancellor of the exchequer for the time being shall from time to time direct and appoint, which directions and orders shall be unto him, the said William Blathwayt, at all times, a good and sufficient warrant and discharge. AND that he do deliver unto them respectively, from time to time, a faire and just state of all such accompts as he shall receive from the respective officers settled or established, or to be settled or established, within our said plantations, col-

[*4.]

1680.

19 May.

[*5.]

onies, and dominions in America afores^d; AND that the said William Blathwayt do also from time to time offer and present to our high treasurer or comissioners of y^e treasury for the time being such proposalls and observations concerning our said duties and revenues as may any way tend to our service; AND for the more effectuell execution and performance of the premises, WEE do hereby further impower and authorize the said William Blathwayt from time to time to constitute & appoint, by any writeing under his hand and seale, each inferior officers for the better expediteing and carrying on our service in relaçon to the said office as by nomination, warrant, and direction from our high treasurer of England or comissioners of the treasury for the time being the said William Blathwayt shall be directed, AND them from time to time to suspend, remove, & displace as to him, the said William Blathwayt, with the allowance or direction of the lord treasurer or comissioners of the treasury for the time being shall be thought necessary and expedient. AND whereas there is an auditor generall established by our authority within our colonie of Virginia, WEE do hereby especially provide and require that the *auditor generall of Virginia for the time being do, from time to time, transmitt and deliver unto the said William Blathwayt, his deputy or deputies, from time to time and at all times, the full and particular state of all accounts of monies arising or payable within our said colonie as he, the said auditor of Virginia, shall and ought to receive the same from the respective collectors, receivers, and other officers lawfully appointed to collect, receive, and mannage our said revenue. AND after the determinaçon of the present grant or grants of the said office of auditor generall of Virginia, the said office is to be annexed, and wee do hereby annex the same, to the office of surveyor and auditor generall hereby erected; AND the same William Blathwayt, and his successors in the said office hereby erected, shall do and performe by themselves or deputies all the powers and authorities which are or ought to be executed at this present by the said auditor generall of Virginia. AND, further, it is our express will and pleasure that by the name and title of rents, revenues, prizes, fines, escheats, forfeitures, duties, and profitts, arising, due, and payable to us within our said dominion, be understood and comprized, to all intents and purposes, among other things, all and all manner of arrears of monyes, rents, revenues, prizes, and prize goods, fines, forfeitures, escheats, duties, and profitts which have arisen within our said dominions of America, and which are due, payable, and accomptable unto us, our heires, and successors, by any person or persons whatsoever, by cause or reason of any matter or thing hapned or done since the begining of the first warr that was between us and the States Generall of the United Netherlands since our restauration, and not before, and all that shall hereafter

happen, fall, or become due to us, our heires, and successors, dūring the continuance of this grant, AND also all seizures & forfeitures, since that time lawfully belonging, or which shall at any time hereafter belong, to us, our heires, and successors, by vertue of any law or statute of our kingdome of England, or other law which is or shall bee in force in any of our said dominions in America respectively, or by reason of any speciall license, grant, or charter held of us, whether the same be made on land or upon the sea, in any part or parts whatsoever, lying or scittuate, or cōmonly accounted or esteemed to be lying or scittuate, within the limitts and bounds of America aforesaid. AND wee do hereby, *for us, our heires, and successors, require and cōmand all governors, deputy governors, councills, and cōmanders in chiefe, and their and every of their subordinate officers and ministers respectively, and all and every collector, receiver, treasurer, and all other officers and persons whatsoever of and appertaining to our said colonies and dominions in America from time to time, to observe, fulfill, and obey our will and pleasure in all things concerning the premises, and to be aiding, favouring, and assisting to the said William Blathwayt, his deputy or deputies, in the due execution thereof. AND wee do, by these presents, for us, our heires, & successors, grant unto the said William Blathwayt that these our letters patents, or the enrolement or exemplification thereof, shall be good and effectuell in the law, and shall be allowed of as well in all Courts of record & elsewhere within our realm of England, as also within any of our islands, plantaçons, territories, and dominions whatsoever, for his, the said William Blathwayts, haveing, excerciseing, and injoying the said office & annuity or salary, according to the purport and true intent of these presents, without any further or other warrant in y^t behalf. AND, LASTLY, it is pvided, intended, and declared, that these presents, or any thing therein contained, shall not extend, or be construed to extend, to impower the said William Blathwayt, or any other person or persons whatsoever, to act or intermeddle in or with the customes, imposts, or duties arising here in England for or upon any wares, goods, & merchandizes imported into this kingdome from our said islands, colonies, plantaçons in America, or with any bond or obligacōn taken, or to be taken, in pursuance of any act of Parliament at any time heretofore made in England, or with any rates or duties payable unto us for goods transported from one plantaçon to another, by vertue of an act of Parliament made in the twenty-fifth year of our raigne, any thing herein contained to the contrary notwithstanding. ALTHOUGH express mençōn of the true yearly value or quantity of the premises, or of any of them, or of any other gifts or grants by us, or by any of our progenitors or predecessors heretofore made to the said William Blathwayt in

1680.

19 May.

[*6.]

1680.

19 May.

[*7.]

these presents, is not made, or any statute, ordinance, provision, proclamation, or *restriction heretofore had, made, enacted, ordained, or provided, or any other matter, cause, or thing whatsoever to the contrary in any wise notwithstanding. IN WITNES whereof wee have caused these our letters to be made patents. WITNES ourself, at Westminster, the nineteenth day of May, in the two and thirtyeth year of our reigne.

By writt of privy seale,

PIGOT.

Broad seale appending.

Endorsed.

A duplicate of a grant to William Blathwayt, Esq^r.

PIGOTT.

[The following attestation is in the handwriting of Secretary Rawson.]

The duplicate of his majties grant to Willjam Blathwayt, Esq^r, conteyned in two sheetes of parchment, annext wth the broad scale of England in yellow wax, so signed, stand here entred, being compared wth its originall, at request of Edward Randolph, Esq^r. As attests

EDWARD RAWSON, Secre^t.

1681.

The Deputation of William Blathwayt, Esq., to Edward Randolph, Esq.

15 October.

[In an unknown chirography.]

TO ALL CHRISTIAN PEOPLE to whom these presents shall come. WILLIAM BLATHWAIT, ESQUIRE, SURVEYOR & AUDITOR GENERALL of all his majties revenues arising in AMERICA, sendeth greeting. Whereas his said majtie, King CHARLES the Second of England, &c, by his letters patents under the great seale of England, bearing date the nineteenth day of May, in the two & thirtyeth year of his reigne, did give and grant unto him, the said William Blathwayt, the office of surveyor and auditor general of his majties revenues arising in America, with full power and authority to inspect, examine, state, and auditt, and, with allowance and consent of the lord high treasurer, comissioners of the treasurie, and chancellor of y^e exchequer for the time being, to determine all and singular accompts of all such rents, revenues, prizes, ffines, escheats, fforfeitures, duties, & profits whatso-

1681.

15 October.

[*8.]

ever as are, by reason of any matter or thing, hapned or fallen since the beginning of the first warr that was between his maj^{ty} and the States General of the United Netherlands since his ma^{ties} restauration, and not before, and which shall at any time hereafter become due or payable to his ma^{ty}, his heires, and successors durement the continuance of his said *letters patents in or from all or any of his ma^{ties} forreigne dominions, islands, colonies, and plantations in America, and by all lawfull wayes and meanes to cause the same to be recovered and payd to the pper officers to his ma^{ties} use, To HAVE and to hold, exercise and enjoy the sayd office to him, the said William Blathwayt, by himself or his sufficient deputy or deputies, for and during the time and so long as he, the said William Blathwayt, should well behave himself in the sayd office, with further power in the sayd letters patents contained, for him, the said William Blathwayt, from time to time to constitute and appoint, by any writeing under his hand and seale, such inferior officers for the better expediteing and carrying on his ma^{ties} service in relation to the said office as by nomination, warrant, and direction from the lord high treasurer of England or comissioners of the treasury for the time being, he, the said William Blathwayt, shall be directed; and the said inferior officers from time to time suspend, remoove, and displace as to him, the said William Blathwayt, with allowance & direction of the lord treasurer and comissioners of the treasury for the time being shall be thought necessary and expedient. Now, KNOW YEE, that the said William Blathwayt, for the more effectuell execution and performance of the premises, and for the better expediting & carrying on his ma^{ties} service, hath, by the nomination, warrant, and direction of the right hono^{ble} the lords comissioners of the treasury, constituted and appointed, and doth by these presents constitute and appoint, his trusty and well beloved EDWARD RANDOLPH, ESQUIRE, to be his deputy and under officer within all and any of the colonies of New England, (his maj^{ty}'s colonie of New Hampshire onely excepted,) for the purposes and to the ends hereafter mentioned, and no other; that is to say, that he, the said Edward Randolph, shall, and the said William Blathwayt doth hereby give and grant full power and authority to the said Edward Randolph, to inspect, examine, and state all accounts of all such rents, revenues, prizes, fines, escheats, seizures, forfeitures, duties, and profitts whatsoever as are by reason or cause of any matter or thing hapned or fallen since the beginning of the said first warr that was between his maj^{ty} and the said States Generall since his ma^{ty} *restauration, and not before, or which at any time from and after the date of the said letters patents have hapned, fallen, or which shall hereafter happen, fall, become due, or be paya-

[*9.]

1681.

15 October.

ble or accruing unto his said ma^{ty}, his heires, & successors, within all or any of the said colonies of New England, (except New Hampshire,) or any of the precincts or limits of the same, with full power and authority to and for him, the said Edward Randolph, by all lawfull wayes & meanes to cause to be recovered and paid unto the p^{per} officers, to his ma^{ty}'s use, all such rents, revenues, duties, and profitts aforesaid as have accrued to his ma^{ty} since y^e beginning of the said first warr, or shall hereafter accrue unto his ma^{ty}, his heires, and successors, within the said colonies of New England, (except the Province of New Hampshire aforesaid,) and have not been, or shall not be, answered, satisfied, and payd to the p^{per} officers, to his ma^{ty}'s use, to have and to hold the said deputyship, or under office, unto the said Edward Randolph, so long as to him, the said William Blathwayt, shall please and be by him thought fitt. And the said William Blathwayt doth hereby require from the said Edward Randolph, and the said Edward Randolph doth by his acceptance of this present grant agree to and with the said William Blathwayt, that he, the said Edward Randolph, shall, once in every six months, or oftner, dureing which he shall execute the said under office, or be deputy to the said William Blathwayt, by vertue of these presents transmit and send over to him, the s^d William Blathwayt, fairly written, and by the said Edward Randolph under his hand attested, all such accompts as he, the said Edward Randolph, shall before that time have inspected, examined, and stated, and which have not been by him formerly transmitted and sent over to the said William Blathwayt, of the rents, revenues, duties, and profitts aforesaid, & duplicates thereof by the next conveyance, and shall at the same time certify and make known to the said William Blathwayt all such sum and sums of mony, if any such shall be, as he hath by the wayes and meanes aforesaid caused to be recovered and payd to the p^{per} officers, to his ma^{ty}'s use, and which hath not been formerly certified and made known to him, the said William Blathwayt, and shall, in all and every other matter and thing relateing to the said office, observe such rules and instructions as the said William Blathwayt shall at any time or times give or transmit unto him.

[*10.]

And, lastly, the said William Blathwayt by [^] hereby ratify, confirm, and allow all and every act & acts, thing and things, w^{ch} shall be done and executed by the said Edward Randolph as deputy and under officer to the said William Blathwayt by vertue of these presents, and doth hereby grant that they and every of them shall be of equall force and authority as if they had been done, executed, and performed by the said William Blathwayt himself in his p^{per} person. In witness whereof I have herevnto put my hand and

seale, this fifteenth day of October, in the yeare of our Lord God 1681, and in the three and thirtyeth yeare of the reign of our soveraign lord, King Charles the Second, over England, &c^a.

1681.
15 October.

WILLIAM BLATHWAYT.

Signed, sealed, and delivered, in
the presence of
Barth: Burton,
Jo. Thurston,
B. Sargeant.



Wee do hereby nominate Edward Randolph, Esq^r, to be deputy of William Blathwayt, Esq^r, in the office of surveyor and auditor general of his mat^{ies} revenues, arising in all or any of the colonies of New England, (except the colonie of New Hampshire,) or any of the precincts or limits of y^e same, and accordingly direct y^e said William Blathwayt to constitute & appoint him, y^e s^d Edward Randolph, his lawfull deputy in the execution thereof, pursuant to his maj^{ties} letters patents in that behalfe. From the Treasury Chambers, in White Hall, this fifteenth day of October, 1681.

J: ERNLE,
ED: DERING,
STE: FOX,
S: GODOLPHIN.

[The following attestation is in the handwriting of Secretary Rawson.]

The deputation of W^m Blathwayt, Esq^r, contained in the fower foregoing pages, so signed, sealed, and witnessed as his act, to Edward Randolph, Esq^r, making him his deputy, stands entred & recorded, word for word, in the Courts booke of records, at the request of sajd Edward Randolph, Esq^r, being compared wth the original.

As attests

EDWARD RAWSON, Secre^t.

1682-3. *Certificate of the Appointment of William Dyre, Esq., Surveyor General of Customs.*

4 January.

[In the handwriting of Secretary Rawson.]

[*11.]



***W**EE, the cōmissioners for mannaging and causing to be surueyed and collected his majestjes customs, subsidies, and other dutjes, in England, doe heereby signifye that Willjam Dyre, Esq^r, is appointed our surveyor gennerall of his majestjes customes in his seuerall colonjes and plantations in America, arising

and growing due by virtue of an act of Parljamēt made in the 25th yeare of his maj^{ties} reigne, intituled An Act for Incouraging the East Land and Greene Land Trades, and for better securing the plantation trade. And heereof the respective collector and comp^{rs} in the said colonjes and plantation, and all other persons concerned, are required to take notice. In testimony whereof wee haue caused the seale of the custome house, London, to be herevnto affixed. Given vnder our hands, the fowerth day of January, in the 34th yeare of the reigne of King Charles the Second, Anno Doñiñ 1682.

N: BUTLER,

AND: NEWPORT,

CH: CHEYNE,

G: DOWNING.

1684.

18 September.

That this aboue written is a true copie, so signed & a seale, produced in Generall Court, & there read, 18th of Sept^{ber}, 1684, & therewith compared, & stands thus entred & recorded at request of said M^r W^m Dyre & ord^r of y^o Goñno^r.

Attests

EDWARD RAWSON, Secr^t.

Power of Attorney from John Awassamug to Thomas Awassomug.

1684.

[In the handwriting of Secretary Rawson.]

1 December.

IN the yeare of our Lord one thousand sixe hundred eighty fower, Decem^r the first, John Awassamug, of Naticke, now not like to continue long before his decese, and not able to looke after the Indean title that yet do remaine vnpaid for by English proprietors, do heereby acknouledge Thomas Awassamug, my naturall son, my naturall hejre, and betrusted and impower him in my stead to sell, bargaine, and aljenate any of that land the Indean title of which do yet belong to me, according x the sagamore title. I doe impower and betrusted said Thomas, my son, to sell to any English propretours, persons or person, and to receive money or monys worth for title of any such lands, and to giue sufficient deeds to any such persons or person as shall buy the Indean title of him as shall secure from all other clajmes or clajme of any other Indean.

his marke
JOHN O AWOSOMUG.

Deliuered in presence of
Obadiah Morse,
Peter be Ephrami.

This stands thus entred and recorded here at the request of Thomas Awossomugk, this 21th of April, 1685.

1685.

As attests

EDWARD RAWSON, Secret.

21 April.

Deed of Conveyance from John Awassamoag and others to Thomas Awassamoag.

1684-5.

[In the handwriting of Secretary Rawson.]

21 January.

KNOW all men by these presents, that we, John Awassomoag, Samuell Awassamoag, John Mooqua, Peter Ephraim, & Eleazer Pegan, Indians of Natick, in the county of Middlesex, in New England, for reasons us therevnto mooving, haue giuen & granted, and do by these p^sents grant, aljene, enfeoffe, assigne, make ouer, and confirme vnto Thomas Awassamoag, Indjan, of the same toune and county aforesajd, all that our whole native title, right, & interest in that tract of land lying, scittuate, and being betweene the bounds of Naticke, Charls Riuer, Marlborough, and a point of Blackstons Riuer beyond Mendon, al which sajd right, title, and interest in the sajd

[*12.]

1684-5.

21 January.

land (that is not already legally disposed of) we, the said John Awassomoag, Samuel Awassamoag, Joshua Awassamoag, John Mooqua, Peter Ephraim, & Eleazer Pegan, do heereby avouch and declare to be, at the deliuey of these psents, our oune proper estate, and lawfully in our own power to alljenate & dispose of, it being our naturall right, descending to us from the cheife sachem Wuttawushan, vncle to the said John Awassamoage, Señ, who was the cheife sachem of said land, and nearely related to us al, as may be made appeare. And we do further warrant and assure the said right, title, and interest to the said Thomas Awassamoag, a good and sound estate of inhæritance, together with all rights, members, appurtenances, libertjes, privileges, uses, accomodations, profits, & comoditjes thereto belonging, or any way appertaining: To haue and to hold, to him, the said Thomas Awassamoag, and to his heires, executors, administrators, and assignes, in peaceable possession for euer, free, acquitted and discharged of and from all manner of former gifts, grants, titles, suites, mortgages, leases, entajles, and al legall molestation, interruption, and encumbrances whatsoever, from, by, or vnder us, the said John Awassamoag, Sañill Awassamoag, Joshua Awassamoag, John Maqua, Peter Ephrami, & Eljazer Pegan, our heires, exec^{rs}, administrators, or assignes, or any other person or person whatsoever, by, from, or vnder us, or any of us. And wee do further couenant and promyse to do, at the charge of the said Thomas Awassamoag, any further act or acts, thing or things, that may any way tend to the further setling and confirming of the aboue said right and interest to and vpon the said Thomas Awassamog, his heires, executors, administrators, or assignes, whensoever we are reasonably thereto requested. And wee do hereby render and giue seizure and lawfull possession of al the said rights, titles, and interests; and for the true and full performance of all & singular the pmisses, we, the aboue named John Awassomoage, Sameuel Awassamoag, Joshua Awassamoag, John Mooqua, Peter Ephraim, & Eleazer Pegan, haue to this instrument set to our hands & seales the 21 January, 1684.

JOHN MOO ^{his mrk} y QUA, & seale.

JOHN ^{his mrk} O AWASSAMOAG, & seale.

SAM^{his mrk} L^{ll} 8 AWASSAMOAG, & seale.

PETER ^{his mrk} Pe EPHRAIM, & a seale.

Signed, sealed, & deliuered,

in the presence of us

Edw: West,

Bnonj: Learned.

O O O

18 February.

John Mooqua, Sam: Awossomoge, & Peter Ephraim appeared in Court,

at Natick, & acknowledged y^e writing to be their act & deed, & y^t they set to their hands & seales to it, Feb^r 18, 1684. 1684-5.

18 February.

As attests DANIEL GOOKIN, Sen.

Entred & recorded at request of Thomas Awassomoag, 21th April, 1685. 1685.

p EDW^d RAWSON, Secret.

21 April.

Deed of Conveyance from Thomas Awassomoag to Edward Rawson.

[In the handwriting of Secretary Rawson.]

TO ALL CHRISTIAN PEOPLE to whom this p^sent deed shall come, Thomas Awassomoag, son & heire of John Awassomoag, late of Naticke, in the county of Middlesex, in New England, send greeting. Know yee, that I, Thomas Awassomoag, for and in consideration of the sume of fowerteene pounds of good and lawfull money of New England, to me in hand paid by M^r Edward Rawson, of Boston, in the county of Suffolke, in New England aforesajd, gen^{tl}, the receipt whereof I do heereby oune and acknowledge, and therewith to be fully contented & payd, and thereof and of euery parte thereof doe exonerate, acquitt, and dischardge him, the sajd M^r Edward Rawson, his heires, exccut^{rs}, & administrato^rs for euer, by these p^sents, haue given, granted, bargained, sold, alljened, enfeoffed, and confirmed, and by these p^sents doth giue, grant, bargain, sell, alljene, enfeoffe, & confirme unto him, the sajd M^r Edward Rawson, all that his tract of land, being about two thousand acres, more or lesse, which he bought and purchased of John Awassamoag, Samuell Awassamoag, John Mooqua, Peter Ephraim, and Eleazer Pegan, Indians & inhabitants of Natick, as p deed of sale vnder their hands & seales, bearing date January the 21th, 1684, and acknowledged in the Court of Natick before the worshipfull Daniel Gookin, Esq^r, February the 18, 1684, may appeare, the sajd land lying & being betweene the bounds of the townes of Dedham southerly, of Mendon westerly, Sherborne northerly, Meadfeild easterly, with all meadows, woods, vnderwood, riuers, fishings & fishing places, libertjes & priuiledges therevnto belonging or in any wise apperteyning, to haue & to hold the sajd peece or parcell of land of two thousand acres, more or less, lying betweene the bounds of fower townes, viz^t, Dedham, Meadfeild, Mendon, & Sherborne, with all the meadows, woods, vnderwoods, rivers, fishings, fishing places, with all

[* 13.]

21 April.

1685.

21 April.

[*14.]

the libertjes, rights, & priuiledges therevnto belonging, to him, the said Edward Rawson, his heires & assignes, foreuer, and to the only vse, bennefit, and behooffe of him, the said Edward Rawson, his heires and assignes, foreuer. *And the said Thomas Awassamoag doth himselfe, his heires, execcut^r, & administrators, heereby promise, couenant, & grant, to & with the said Edward Rawson, his heires and assigne, that, at the time of the ensealing of these p^sents, he, the said Thomas, is the true and lawfull ouno^r of the aboue bargained premisses, and of euery part and parcell thereof, and is lawfully seized of the same, and of euery part & parcell thereof, in his oune proper right, and hath in himselfe full power, right, & lawfull authority the same, & every part & parcell of the same, to sell, aljene, convey, and assuer vnto the said Edward Rawson, his heires and assignes, as a good, perfect, and absolute estate of inheritaunce in fee simple, without any manner of reuersion or limitation whatsoever; and that the said Edward Rawson, his heires and assignes, shall & may, by force and virtue of these p^sents, from time to time, & at all times, for euer hereafter, lawfully, peaceably, & quietly haue, hold, vse, occupy, possesse, and enjoy the aboue granted p^misses, with their appurtenances & euery part thereof, free & cleere, & cleerely acquitted and discharged of & from all other gifts, grants, bargaines, sales, leases, mortgages, joynctures, dowers, judgments, executions, entayles, forfeitures, and of & from all other titles, troubles, or incumbrances whatsoever, had, made, comitted, done, or suffered to be done, by the aforesaid Thomas Awassamoag, his heires or assignes, at any time before the ensealing of these p^sents; and, further, that the said Thomas Awassamoag shall & will, from time to time, & at all times, both he & his execut^r and admistrato^rs, the aboue granted p^misses, with the appurtenances & euery part & parcell thereof, warrant and defend against *against* all persons whatsoever any wayes lawfully clayming the same or any parte or parcell of the same; and that the said Thomas Awassamoag shall also make any further or ample assurance of the premisses whensoever called therevnto, and shall, with the attorney or order of the said Edward *Rawson, at some conuenient time, goe with & readily & truly shew him or them the more particular & exact bounds of the premisses that at this time is here inserted & described, and shall & will, at any time when called, give him or them full & quiet possession of the same. And, lastly, Abigaile, the wife of the said Thomas Awassamog, doth also hereby surrender, give vp, and quitt all hir right, title, & interest in and vnto the premisses, and euery part & parcell thereof, that she might, would, or could, clajme, demand, or challenge by way of dowry or otherwise. In testimony whereof, the said Thomas Awassamoag, & Abigaile, his wife, haue herevnto sett their hands & seales, this twenty-first

[*15.]

day of Aprill, one thousand sixe hundred eighty & fue, annoq R. R^a. Jacobj
Secundj primo. 1685.

The mark of
THOMAS () AWASSAMOAG, & a seale.
The m^oke of
ABIGAILE ▼ AWASSAMUG, & a seale.

21 April

Endorst.

Signed, sealed, & deliuered in psence of vs, after twelue words rased
out of the ninth l^jne, & the words, 'of the toune of Dedham southerly, of
Mendon westerly, Sherborne northerly, Meadfeild easterly,' enterljned in the
same l^jne in the originall, the same day & yeare before written.

HOPESTILL LEALAND,
JONATHAN FAIRBANK.

Under writt.

Thomas Awassamug, Indian, and Abigaile, his wife, personally appearing,
acknowledged this instrument to be their act & deed, Aprill 21, before me,

SAMUELL SEAWALL, Asist.

Entred & recorded here, this 4th day of June, 1685.

4 June

p EDWARD RAWSON, Secre^t.

The Generall Courts allowance, &c, hereof, is recorded in their book on
y^e other end, at large, p. 487.

1674. *Freemen of the Colony of the Massachusetts Bay in New England,*
1674—1686.

27 May.

[The following lists contain the names of those who were admitted to the freedom of the colony between the twenty-seventh of May, 1674, and the sixteenth of February, 1685-6. They are marginal entries, and are in the handwriting of Secretary Rawson. The names of other persons who took the freeman's oath will be found in preceding pages.]

[*1.] *Names of such admitted to freedom by y^s Court, [27 May, 1674.]

Mr Daniel Epps, Ips.	Ruben Luxford,	Abell Porter.
Tho: Jacob,	Andrew Boardman,	Caleb Pumbrey, North
Tho: Metcalf,	Jn ^o Jackson,	Hamp.
Nico: Wallis,	Daniel Markham.	Ebenezur White, Weym.
Nathaniel Addams,	Jn ^o Buss, Conc.	Edw: Addams, Med.
Nathan: Rust,	Jacob French, Billir.	Joseph Wright,
Tho: French,	W ^m Seavje, Ports.	Gershom Flagg,
Jn ^o Lumpson.	Obadiah Morse,	Samuel Walker.
Jn ^o Pebody, Tops.	Tho: Harvie,	James Thompson, Woob.
Joseph Furnum, 1 ch.	Antho: Ellings,	Israel Walker,
Jn ^o Rugles, Sen ^r , Rox.	Richard Sampson,	Jn ^o Snow.
Elnathan Chancy,		

[*15.] *Persons mad free at y^s Court [7 October, 1674] were, —

7 October.

Samuel Douse, Ch.	Rich: Sharpe,	W ^m Ingram,
Tho: Bligh, Bost.	Tho: Smith,	Dudley Bradstreet.

1675. *The names of the persons admitted to the freedome of this colony at this
 Court [12 May, 1675] were, —

12 May.

[*25.]

John Valentine, Bost.	Syman Chapman,	John Seawall,
Joseph Webb,	Nath: Warner.	John Richardson.
Elisha Audljn,	James Bracket, Br.	Sam: Sayer, New.
Sam: Ward,	Andrew Boardman, Cam.	Benj ^a Morse.
Jn ^o thā Bridgham,	Ruben Luxford,	Bernard Capen, Dore.
Peircey Clarke,	Dani: Markeham,	Jn ^o Mirriam.
John Daus,	John Jackson,	T ^{mo} Wheeler, Conc.
Joshua Gee,	Ebenez ^r Wiswall, Cam.	Joseph Whiting.
[*26.] Benja: Dyer,	*Tho: Olliuier,	Hen: Collins, Jun., Lyn.
Edw: Thwing.	— Nehemiah Hubbard,	Allin Bread,
Sam: Gardiner, Sal.	Sam: Houlett,	Tho: Mighill.
Samuel Warner, Ip.	W ^m Houlett.	Israel Jenery, Mead.
Tho: Weld,	Mathew Austin, Yor.	Nath: Gay.
Tho: Gittings,	Nathaniel Masterson,	

*Persons made free at y^s Court were readmitted to freedom [21 Feb., 1675-6.] 1675-6.

Jn ^o Tucker,	Jn ^o Jeuet, Ips.	Jacob French, Billi.	21 February. [*70.]
Jn ^o Noyes, 3 ^d , Bost.	Rob ^t Peirpoint.	Tho: Russell, Cha.	
Natha: Willjam,	Jn ^o Atwood, Bost., 2 ^d .	Jn ^o Clifford, Hamp.	
Dani: Gookin, Jun.,	Joseph Knight, Woo.	Joseph Barret, Chelms.	
Camb.	Georg Abbot, And.	Liemach Amistrale.	
Jn ^o Pike, Salis.	Xtoph ^r Osgood,	Tho: Dyer, Weymo.	
Hen: Trew,	Tho: Osgood.		

*Persons made free this session [May 3, 1676] were, — 1676.

M ^r Sam: Alcock, Boston.	John Goodwin.	Sam: Smith.	3 May. [*73.]
M ^r Dani: Russell, Charls.	Tim ^o Baker, Northam.	M ^r Jn ^o Youngloue,	
Zech: Johnson,	Joseph Person,	Hadly.	
Isaack Foule,	Jn ^o Bridgman,	Samuel Wentworth, Dov.	
Zech: Ferris,	Judah Wright,		

*Persons admitted by this Court to freedom [11 October, 1676] were, — [*112.]

Richard Hall, Bradf.	Jn ^o Jewet.	Nehemia Allin.	11 October.
Dani: Hazeltine,	Benja: Emons, Bo. 3 ^d C.	Jn ^o Knight, Charls.	
Jn ^o Hardy.	Sam: Davis, Northam.	Jn ^o Douse.	
Jn ^o Hubbard, Ips.			

*Persons admitted to freedom by y^s Court [23 May, 1677] are, — 1677.

M ^r Jn ^o Price, Sal.	Jn ^o Rogers, Wey.	W ^m Foster,	23 May. [*126.]
Jn ^o Higginson, Ju.,	Jn ^o Bayly.	Nath: Barker.	
Jn ^o Hawthorn,	Nathani: Gay, Dedh.	Obadiah Morse, Meadf.	
Manasses Marston,	Tho: Aldridge,	Edw ^d Addams,	
Henry Kirry.	Nath: Kingsbery,	Eljaz ^r Addams,	
M ^r Sam: Nowel, Charls T.	Jn ^o Weare,	Jn th : Morse,	
Jn ^o Phillips,	W ^m Avery.	Jos: Bullin.	
Xtopher Goodin,	Jn ^o Holliokey, Spring.	Jn ^o Walker, Wooborn,	
James Millar,	Sam: Stoddard, Hingh.	Jn ^o Carter, —	
Jn ^o Blany.	Andrew Lane,	Jn ^o Bearbenn.	
W ^m Gibson, Bosto. 1 Ch.	Jn ^o Tucker.	Frac: Fletcher, Concord,	
Nathani: Barnes,	Rich ^d Dumer, Jun.,	Timo: Wheeler,	
Edw ^d Ashley.	Newb.	Jn ^o Meriam,	
Jn ^o Cadwell, Ips.	Hen: Short,	Sam: Jones.	
Jn ^o Wales, Dorch.	Steph: Greenleaf,	Sam: Lampson, Redding,	
James Blake.	Jacob Toppa,	Jn ^o Eaton,	
Joseph Roads, Lyn.	Rich: Bartlet, Jun.	Henry Merrow,	
Jn ^o White, Rox.	Tho: Pearly, Rouley,	Sebred Taylor.	
Jabez Fox, Camb.			

1677. *The persons made or admitted to freedom at this Court [10 October, 1677]
were,—

10 October.

[*146.]

John Clarke, B.	Henry Withengton.	Joseph Boynton, Rou.
Gilbert Cole, 3 C.	Amos Woodward, Cam.	Alexand ^r Sessions, Andi.
Robert Butcher,	Dani: Champney.	Benja: Lincolne, Hing.
Nathaniel Patten.	John Wells, Rox.	John Chubbuck,
Jn ^o Wales, Sen., Dor.	Tho: Peirce, Woob.	John Fering,
Sam: Hix,	Jn ^o Smeadley, Conc.	Tho: Gill, Jun.

1678.

*Persons made free in May Court, 1678,—

May.

[*175.]

1 st Ch. Bost. : Joseph	Josia Fisher,	Sam: Frost,
Bridgham,	Rob ^t Weare,	Obadia Perry.
Joshua Windsor.	Jonath: Freeman.	Westf. : M ^r Edw: Taylor,
2 ^d Ch. : Jonas Clarke,	Hampt. : Jn ^o Clifford,	Jn ^o Maudsley.
Hen: Dauson,	W ^m Fuller.	Spring. : Vickry Sike,
W ^m Way,	Mauld. : Jn ^o Parker,	Isa: Cakebread,
Jn ^o Barnard,	Joseph Lynds.	Luke Hitchcoke.
Tho: Barker,	Meadf. : Dani: Thirston.	Woob. : Jn ^o Richardson.
Jn ^o Goffe,	Hull: Sam: Butler,	Red. : Tho: Bankroft,
W ^m Sumer.	Joseph Benson,	Jn ^o Tounsens.
3 Ch. : M ^r Peter That-	Samuel Prince,	Weym. : Rich: Phillips,
cher,	Jn th : Vickree.	Sam: Humphry,
M ^r Sam: Seawall.	Dorch. : Tho: Toleman,	Joseph Dyar.
Camb. : M ^r Elnath	Jn ^o Toleman,	Befly : Edm ^o Grouer,
Chancey.	Nath: Glouer,	Nehem: Grouer,
Salem : Tim ^o Lyndall,	James Foster,	Isa: Woodbery,
Isack Foot,	Incre: Sumner,	Hump: Woodbery,
Roger Hill,	Hope Clap,	Robt : Bradbuth,
W ^m Barker,	Jn ^o Baker,	Ric: Patch,
Edw: Read,	W ^m Ryall.	Jn ^o Blatt,
Benj: Parmiter,	Brant. : Josia: Chapen,	Jn ^o Richds,
Richr ^d Riff,	Jos: Peniman,	Jn ^o Patch.
Franc ^o Girdler,	Sam: Penniman,	Milto. : Tho: Holman,
Jn ^o Mascoll,	Jos: Parmiter,	Ephr: Tucker,
Walter Cloys.	Steph: Payne, Jun.	Manasses Tucker.
Ded. : Joseph Fairbank,	Hing. : Jn ^o Lazell,	Hadl. : Tim ^o Nash,
Tho: Fisher,	Sam: Thaxter,	Tho: Hale,
Sam: Guile,	Tho: Marsh.	Jn ^o Russell—were all ad-
Benj: Miles,	Bellir. : Jos. Walker,	mitted, 85.
Joseph Wight,	Tho: Patten,	

*Persons admitted to freedome at y^e Court [2 October, 1678] were, —

1678.

M ^r Isack Foster, Charls.	Jonas Prescot,	Jn ^o Kendall,
Jn ^o Bengilley, Ips.	Tho: Reade, Jun.	Jos: Wing.
Enock Hubbard, Hing.	W ^m Addams,	John Lynds, Mault.
Sam: Man, Dedh.	Joseph Freeman.	Jn ^o Greenland.
Jn ^o Brewer, Sudb.	Samll: Carter, Woob.	

2 October.

[*202.]

*Freemen made at this session, [15 October, 1679.]

1679.

M ^r Jn ^o Broune,	Mathew Cushin, Jun.,	Joseph Lyon, Rox.
Benja: Fitch, Red.	Hing.	Jn ^o Dole, New.
Hananiah Parker,	Jn ^o Smith, Jun.,	Sam: Butterick, Conc.
Nath: Gooding,	Dani: Cushin,	Jn ^o Prescot.
Peter Tuffts, Mald.	Josia Leuet.	Ephraim Winship, Camb.
Francis James.	Joseph Wing, Wo.	Jn ^o Marrior.

15 October.

[*232.]

*Freemen made at y^e session, [19 May, 1680.]

1680.

Rox.: M ^r Jn ^o Boules,	Jn ^o Balch,	Wey.: Nath: Humphry.
M ^r Edw: Pason.	Paul Thorndick.	Abra: Whitman,
Salem: Jn ^o Grafton,	M ^r bleh.: Rich ^d Norman,	W ^m Pratt,
Resolved White.	Jn ^o Legg,	M ^r Edw: Taylor,
1 st ch., Bost., Benja:	Nathan Walton,	David Ashly,
Thuing,	Rich ^d Movntegue.	Jededia Dewy,
Jerr: Dumer,	Chars T.: M ^r Tho:	Sam: Roote.
Jn ^o Thing,	Shephard,	West.: Joseph Pomry.
Jacob Hurd,	M ^r Neh: Hubbard.	Nath: Welby,
Tho: Chard.	Camb. Vill: Ebenezer	Jn ^o Hanchet,
2 ^d ch., Jn ^o Cotton,	Wiswall,	Benj: Bosworth,
Cotton Mather,	Sam: Robbins,	Ab ^t Jones,
W ^m Coleman.	Wob.: Jn ^o Gardiner.	Rob ^t Gold,
Sudb.: Jabez Broune.	Jn ^o Chadwick,	Jonathan Nile,
Chelms.: Jn ^o Held,	Mald.: M ^r Wigglesworth.	Nathani: Bosworth,
Elia ^r Ball,	Peletiah Smith,	Sam: Prince,
Jonathan Tyng.	Tho: Putman, Ju.,	Zac: Witmā,
North.: M ^r Jose Hauley.	W ^m Stacy.	Jose Bosworth,
Davjd Burt,	Salem: Zacke Marsh,	Isack Vickrey — all of
W ^m Smead,	Symon Booth,	Hull.
Jn ^o Woodward,	Israell How,	Steven Lincoln, High.
Jonathan Hunt,	Benj: Leeds,	M ^r Jer: Shep ^d ,
Joshua Pomrey,	John Pason.	Tho: Layton,
Eliaz ^r Frary.	Ips.: Symon Willard,	Ralp King — of Lynn.
Beu ^r : Joseph Dodge,	Joseph Pitty,	Sal.: Rob ^t Fuller,

19 May.

[*260.]

1680. Jn^o Felton, Japhet Chapin, Jn^o Shelden — of Bil-
 Jos: Phippen. Sam: Ely — of Springf. liria.
 19 May. M^r Dani: D x en,

[*285.] *Persons made free at this Court, [13 October, 1680,] or admitted to freedome,
 13 October. were, —

Bo. 1 ch., M ^r Tho:	Sam: Knolton,	Jn ^o thā Fuller,
Cheevers,	Tho: Bayly.	Joshua Fuller,
Nicho: Willis.	Wenh.: Sam: Abby,	Joseph Fuller.
Bos. 3 ch., M ^r Deodat	Sam ^l Fiske.	Hingh.: James Haukes,
Lawson.	Cambr. Vill.: Tho: Pren-	Jose: Jacob.
Cha.: Sam: Ballard.	tice, Sen.,	No ^r Ham.: Enos Kins-
Rox.: M ^r Edw: Pason,	Tho: Prentice, Jun.,	ly.
Danie: Kellum, Ju.,	Tho: Parke, Sen.,	Billir.: Peter Bracket.
John Knolton,	Jn ^o Fuller, Jun.,	

1681. *Persons made free at y^s Court [11 May, 1681] were, —

11 May.	Tho: Eaton, Ded.	Ezekiel Cheevers,	Sam: Peirson.
[*306.]	Natha: Chickring,	John Leech.	Nath: Jewett, Conc.
	Robert Weare.	Ephraim Colton, Spri.	Allin Bread, Sen., Ljn.
	Dauid Hubbard, Hing.	Tho: Colton,	Joseph Reads,
	Jerr: Beale.	Joseph Stebbing,	Josiah Reads.
	Tho: Hovey, Hadl.	Joseph Trumble,	Ephraim Winship, Camb
	Sam: Lancton, North	Georg Norton.	Abraham Tilton, Ips.
	Hamp.	Sam: Kent, Gloc.	Isa: Esty, Tops.
	Nath: Phelph.	Jn ^o Burbank, Hau.	Tho: Norman.
	Benja: Gerrish, Salem.	Wm Starlings,	

[*320.] *Freemen admitted at y^s Court [12 October, 1681] were, —

12 October.	M ^r Jn ^o Olliuer, 2 ch.,	Jn ^o Sawyer.	Tho: Kingman.
[*321.]	Bo.	*John Whitman,	Wey.: Samuel King,
	Tho: Chard,	Nicholas Whitmarsh,	W ^m Read,
	James Barnes.	Steven French,	Abjah Whitman,
	Hen: Bartholmew, 1 st	Jn ^o Bayly,	Tho: White,
	ch., B.	Tho: Bayly,	Joseph Dyer,
	Obadiah Sajle.	Rich ^d Gurney,	Jn ^o Shaw, Jun.,
	Jn ^o Russells, Camb.	James Smith,	Joseph Pitty.
	Jn ^o ^, Sen.	Nathani: Smith,	Westf.: Tho: Noble,
	Tho: Cow, Ips.	Samuel Holbrooke,	Eliasz ^r Weller,
	Sam: Ingolls.	W ^m Richards, Jun.,	Spr.: Sam: Ball,
	W ^m Goodhue, Ju.	Joseph Richards,	Tho: Spencer.
	Jn ^o Peirson, Jun., Row.	Jn ^o Richards,	Suff ^a : Tho: Huksley.

*Persons admitted to freedom y^s Court [24 May, 1682.]

1682.

Jn ^o Foster,	Jn ^o Farrington, of Ly.	Sam: Rockwood,
Antho: Buxton,	Humph: Barrat,	Nath: Allin, Meadfei.
Peter Prescott, of Salē.	Sam: Haur,	Jn ^o Bates,
M ^r Jn ^o Apleton,	Roger Chandler,	Abra: Byam,
Jn ^o Dane,	Sam: Stone, Conco.	Nath: Butterfeild,
Jn ^o Wardner,	Sam: Kemball,	Abr: Parker, Chelms.
Dani: Warner,	Jn ^o Gilbert, &	Isack Morrell,
Tho: Boreman,	Char ^s Got, Wenbā.	Jn ^o than Caree, of Chars.
Joseph Fellows,	Jn ^o Harding,	Sam: Bartlet, of North
Tho: & Natha: Tred-	Jn ^o Warfeild,	Ham.
well, of Ipsw.	Benj: Clark,	Jn ^o Pinor, Northfeild.
Jos: Farr,	Jn ^o Fisher,	

24 May.

[*348.]

*Persons admitted to freedom at this Court [11 October, 1682] were, —

1682.

M ^r Sam: Gardiner, Jun.,	Jn ^o Harding, Meadf.	Xtopher Walers.
Salē.	Jn ^o Warfeild,	James Parsons, Gloc.
M ^r Jn ^o Apleton,	Benja: Clarke,	Jn ^o Hitchcock, Spring.
Jn ^o Dane,	Jn ^o Fisher,	Josiah Gage,
Daniel Warner,	Samuel Rockwood,	Joseph Kingsbery,
Tho: Boreman,	Joseph Allin.	Sam: Hasseltine,
Joseph Fellows,	Jn ^o Flegg, Water T.	Sam: Stickney,
Tho: Tredwell, of Ipsw.	Abra: Guile,	Jn ^o Bojnton,
Nath: Tredwell,	Nath: Marcham,	W ^m Hutchins,
M ^r Tho: Wade,	W ^m Band,	Benj: Kimball,
Joseph Giddings,	Sam: Jennyson.	Robert Hasseltine,
Joseph Safford,	Jn ^o Farwell, Conc.	Bozoun Allen.
W ^m Butler.	Tho: Broune, Jun.,	

11 October.

[*381.]

*Persons admitted to freedom at this Court [7 February, 1682-3] were, —

1682-3.

M ^r Sam: Parris, of 1 st	Jn ^o Vyol,	Jn ^o Trescot.
Ch., Bo.	Tho: Townsend,	Jn ^o Marshall, Bille.
M ^r Adam Winthrop,	Samuel Tounsend.	Dauid Meads.
M ^r Rob ^t Howard,	James Green, 2 Ch., B.	Dani: Lunt, Newb.
James Bill,	John Green,	Daniel Merrill,
John Olliuer,	Rich: Jincks,	W ^m Moody.
Samuel Ruck,	Timo: Pratt.	Jn ^o Andrews, Ips.
Obadia Wakfeild,	Ebenez ^r W ^m s, Dorc.	Josep: Broune.
Thoph: Rodes.	Nehem: Clap,	Sam: Pitcher, Milto.

7 February.

[*383.]

1683.

*Persons made free at y^e Court [16 May, 1683]:—

16 May. [*401.]	Hadley: Jn ^o Ingram, Mark Warner, Nathan: Warner, & Jn ^o Gardiner — 5. Dedh.: Jn ^o than Metcalfe, James Field — 2. Newbery: Georg March, — 1. Beſly: Humphry Horrel, Edw ^d Ashber, Jn ^o Rayment, W ^m Rajment, Jun., Andrew Elljot, Jun., Jn ^o Dodge, Jun.,	W ^m Dodg, Jun., Tho: Woodbury, Edw ^d Dodge, & Henry Herricke — 10. Ips.: M ^r Jn ^o Cobbitt, Jose: Euelle, and Nath: Knolton — 3. Medfei.: M ^r Grindall Rawson, Josiah Torrey — 2. Boston 1 Ch.: Dani: Fairfield — 1. Samell Ayres, Haue. — 1. Rowl.: Jn ^o Pickard, Jun.,	Humph: Hobson — 2. North Hamp ^t : Sam: Allyn, Ebener: Strong, Jame Wright, John Taylor — 4. Marblehead: Jn ^o Deuer- eux, Tho: Pitman, Sen., Jn ^o Peach, Jun., Joseph Dallabar, Sen ^r , Wating James, Nicholas Andrew, Robert Bartlet — 7: 38.
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1683-4.

*Freemen made at y^e Court [13 February, 1683-4] were, —

13 February. [*427.]	M ^r Edward Willis, Tho: Ray, Henry Eames. Bos.: Joseph Souther, Joseph Knight. New.: Tymothy Noys,	James Jackman, W ^m Elsly. Ded.: Josiah Fisher, Jn ^o than Freeman, Jonathan Medcalfe,	James Vales, Joseph Fairbanks, John Colburn, Peter Hansitt. Red.: Ralfe Dixe.
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1684.

*Persons admitted to freedome [7 May, 1684]:—

7 May. [*436.]	Chrispus Bruer, Lyn. Henry Collins, Allen Bread, Joseph Roads, Jn ^o Newhall, John Leuise, W ^m Smith, Jon th Selsbe, Josia Roads. Sam: Seuden, Marble- head. Jn ^o Merrit. Jose: Roote, Northam. Jon ^a Parsons, W ^m Holton,	Robert Lymon, Jn ^o Hubbard, Jn ^o Shelden, Benonj Stebbins, Sam ^{ll} Judd, Jacob Root, Hen: Burt, Alex ^{dr} Atwood. Symon Burr, Hing. Francis James, Jn ^o Mansfeild, Ephra: Nicholl. Increas Syke, Spring. Dani: Cooly.	Danel Merrill, Newb. Jn ^o Bartlet. Josia Broune, Red. Corneli Broune, Tho: Nichols. Jn ^o Hall, Roxb. Jn ^o Whitney. Jn ^o Dresser, Row. Sañill Palmer. Sañill Peirce, Woob. Sañill Waters, Georg Read, Edw ^d Johnson, Ebenez ^r Johnson.
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*Persons admitted to freedom [9 July, 1684] : —

1684.

John Boynton, No. Ha.	Sam: Palmer,	Jn ^o Holden,
Th ^o Hunt.	Samuel Platt,	Joseph Peirce,
John Dressar, Rowl.	Sam: Spoffard,	Sam: Nogget,
James Dickinson,	Jn ^o Clarke,	Phineas Vpham,
Rich ^d Swan,	Joseph Jewet,	Jn ^o Saul,
Sam: Broclebank,	Caleb Boynton,	Sam: Saul,
James Seajles,	Nath: Jacob.	Theoph: Curtis.
Joseph Chaplin,	Edw ^d Walker, Woob.	

9 July.
[*447.]

*Admitted to freedom [10 September, 1684] : —

[*453.]

Sam: Porter, Hadl.	Israel Porter, Jun.,	Jn ^o Hall.
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10 September

*Admitted to freedom October 31, 1684 : —

[*458.]

M ^r James Lewis, 1 ch., B. Math:	Peirse, Woob.	W ^m Hascall,
Dauid Fiske, Cam.	Sam: Wilson.	Joseph Hascall,
Henry Prentice,	Joseph Broune, Ipsw.	Isaacke Eueleigh.
Ephraj: Frost,		

31 October.

*Persons admitted to freedom y^s Court [6 May, 1685] were, —

1685.

Vrjah Clarke, Rox.	Nath: Wade, Mauld.	Josh: Eaton,
Thomas Mory,	Ralfe Dixie.	Jn ^o Abby, Sen ^r .
Benja: Darse.	Dani: Eaton, Redd.	Jn ^o Fiske, Wenhā.
Peter Scott, Brant.	Jn ^o Avesson,	Zackeus Goldsmith.
Sam: Basse.	Franc ^s Hutchinson,	

6 May.

[*476.]

*Freemen admitted at y^s Court [21 July, 1685] were, —

[*498.]

M ^r Jn ^o Apleton, Jun.,	Tho: Beamans,	W ^m Pebody, Topsfe.
M ^r Rob ^t Pajne, Jun.,	Jose: Millar.	Tho: Perkins, Ju.,
Abra: Perkins,	Noah Wiswall, Camb.	Dani: Reddington,
Jn ^o Harris.	Vill.	Tobjah Perkins,
*Jn ^o Gaines, Ipsw.	Edw ^d Jackson,	Jacob Foster,
Nath: Broune.	W ^m Robinson,	Jn ^o How.
Jn ^o Maynard, Sen.,	Joseph Wilson,	Edw ^d Converse, Woob.
Marlb.	Jn ^o Mirock,	Ephraj: Pason, Douer.
Jn th Johnson, Sen.,	Sam: Truesdale,	Tho: Sticknee, Bradfo.
Josep Neuton.	Isack Willjam,	Rich: Kemball. — 30.
Jn ^o Bouker,	Jn ^o Ward.	

21 July.

[*499.]

1685-6.

*Freemen admitted, [16 February, 1685-6.]

16 February. Jacob Toun^r, Tops. Mr Sam: Checkley, 2 ch., Jacob Nash, Weym.
[*514.] Ephraim Curtis, John Squire, 1 ch. Jn^o Burrill, Lyn.
John Pritchett,

GENERAL INDEX.

GENERAL INDEX.

- | | |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p>Abbagasset, Abbegusset, Abenegusset, and
 Kennebes, Indian sagamores, deed of
 Swan Island from, to Christopher
 Lawson, 399, 400</p> <p>Abbegusset and Kenebez, 403</p> <p>Abraham, Zachary, 362, 364</p> <p>Absentees, order relating to persons leaving
 their homes on account of the war, . . 79</p> <p>Acadaquami, an Indian, 368</p> <p>Acadia, Monsieur de la Valier governor of, . 373</p> <p>Acie, John, 172</p> <p>Acojocks, James, an Indian, 365, 368</p> <p>Acompanit, Samuel, an Indian, 362</p> <p>Actions at law, order for securing the proper
 levying of executions, 2</p> <p> executions, how to be made, &c., . . . 28</p> <p> returns of attachments, how to be made, . 29</p> <p> question relating to the duty of juries an-
 swered, 243</p> <p> order for insuring the payment of costs in
 certain cases, 293</p> <p>answers to questions relating to a judgment
 of the Court, 323</p> <p>strangers not to have attachment granted
 without first giving security for pay-
 ment of costs, &c., 372</p> <p>question relating to executions answered, 438</p> <p>law to restrain unreasonable attainds of
 juries' verdicts, 449, 450</p> <p>form of execution, 450</p> <p>exemptions allowed to be served by the
 marshal general, 453</p> <p>attachments and reasons of appeal to be
 served fourteen days before trial, . . 503</p> <p>form of summons, &c., 489</p> <p>form of bond to prosecute, approved by
 the Court, 489, 490</p> | <p>Acts, &c., of the General Court, committee to
 decide on printing of, 27</p> <p>Adams, Addams, Francis, 39</p> <p> George and Francis, Indian grant of land
 confirmed to, 39</p> <p> Henry, 37</p> <p> deputy, 2, 15, 42</p> <p> Captain Samuel, 278, 358</p> <p> Thomas, appointed ensign at Chelmsford, 189</p> <p> appointed lieutenant at Chelmsford, . . 358</p> <p>Addington, Isaac, 13, 120, 371, 498</p> <p> deputy, 476</p> <p> chosen speaker, 476</p> <p> chosen Assistant, 513</p> <p> Mr., 122, 178, 505</p> <p>Address of the Governor and Company to his
 majesty Charles II., 197, 198, 333, 385,
 466</p> <p> of the inhabitants of Massachusetts to
 Charles II., 387</p> <p> See Letter. See also Petition.</p> <p>Adger, Thomas, 18</p> <p>Adkinson, Elizabeth, referred to the County
 Court for the settlement of her es-
 tate, 101</p> <p>Administration on estates of persons dying in-
 testate, &c., 134</p> <p>Administrators, see Executors.</p> <p>Admiralty, resolve of the General Court as a
 Court of, 131</p> <p>Agents to England, agreement for carrying, 120</p> <p> order for choosing; committee to draw up
 instructions to, 304</p> <p> John Richards appointed one of the, &c., . 307</p> <p> one fourth of a single rate to be levied for
 expenses of, 307</p> <p> conference of both houses relative to, . . 315</p> |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

Agents to England, committee to transcribe documents in the secretary's office for, 339
 committee to supply funds to the, . . . 340
 William Stoughton and John Richards elected, 340
 Joseph Dudley and John Richards chosen, 346
 instructions of the General Court to, 346—349
 entry respecting documents sent to, . . . 383
 commission of, 386, 387
 instructions to, 389, 390
 letter from the General Court to, . . . 391, 392
 a single rate to be raised for supply of, . 398

Agents in England, Treasurer to supply with funds the, 116
 letters from the General Court to, . . 161, 162
 letters of instructions to, from the General Court, 163, 164
 one hundred pounds each voted for the, . 185
 letters from, &c., read by the General Court, 191
 letters from the General Court to the, 201—203
 allowance of sixty pounds each for the families of, 218
 letter of the General Court to, . . . 220, 221
 having returned, each to receive one hundred and fifty pounds gratuity, . . . 263
 half a county rate to be raised for supply of, 341
 letters from, and other documents read in the General Court, 382

Aggawam, 381

Aglin, William, 178

Ahaton, William, 57

Ahuton, William, an Indian, 378

Alarm signals, order prescribing mode of alarm against the enemy, 242

Alataquish, John, Tobi, an Indian, 368

Albany, 165, 166, 299, 461

Albemarle, Duke of, 422

Alcock, John, 208
 Lieutenant, invested with magistratical power, 205

Alcocks, Palsgrave, 208

Aldis, John, deputy, 420

Ales, William, 482

Alesbury, Earl of, 422

Alford, Mr., 178

Alford's Hill, 224

Alliegance, oath of, 192, 193
 order for taking the oath of, . . . 193, 194
 oath of, taken by Major Pynchon and several deputies, 209

Algiers, 312

Alden, Alden, John, vs. Thomas Clarke, decision of the General Court in the case, 152

Allen, Bozoon, hearing had on his petition, . 35

Allen, Bozoon, judgment given in his favor against the estate of Joseph Jewett, . 39

appointed ensign at Boston, 311

Henry, 147, 471
 deputy, 2

Hope, answer of the General Court to petition relating to seizure of leather, . . 10

James, 5, 105, 204, 325, 429
 an executor of Governor Bellingham's will, 24
 referred to the common law for relief, . 301
 and another, time for hearing their case appointed, 340
 and others, report of the committee for establishing the bounds between the farms of, approved, 357, 358
 and another, hearing in the case of, appointed, 417
 Court's approval of land laid out to, . 443

Rev. James, appointed a licenser of the press, 32
 committee's return of laying out the farm of, approved, 218, 219

John, 364
 deputy, 2, 14
 secretary of the council of Hartford, letter from, referred to, 96

Mary, petition of, granted, 142

William, 314, 374

Deacon, 248, 280

Allis, Alice, Ally, John, 239
 William, 22, 170, 183
 associate for Hampshire, . . . 87, 145, 187
 Lieutenant, to command the guard at Hatfield, 171

Allerton Point, 7

America, laws of England bounded within the four seas, and do not reach, 200

Amesbury, 40, 56, 168, 181, 283, 295, 331, 419, 438
 reunited to Essex county, 265

Amnion, Joseph, an Indian, 364

Anabaptists, 347
 admonished and forbidden to meet in their meeting house in Boston, . . . 271, 272

Anderson, David, vs. Robert Orchard, decision of the General Court in the case of, . 131

Mr., (shipmaster,) to receive twenty-five pounds for carrying the agents to England, 120

Andover, 56, 132, 151, 187, 260, 266, 268, 295, 302, 394, 410, 419, 421, 490
 a frontier town, 79
 taxes abated on account of losses by the Indians, 125
 return of the committee for running the bounds of, accepted, &c., . . . 190, 191

- Andover, answer to the selectmen of,** 316
 committee to hear and determine church
 difficulties at, 325
 committee's report on the ecclesiastical
 troubles at, accepted, 343, 344
 petition of Dudley Bradstreet and others
 relating to the minister's land in,
 granted, 346
 order relating to delinquents, selectmen
 of, 393
Andrews, Daniel, 252
 James, 426
 John, 36
 appointed lieutenant at Chebacco, . . . 394
 Samuel, 409, 464
 appointed a land surveyor, 375
 allowance to, as president *pro tem.* of
 Harvard College, 352
 Thomas, deputy, 184
Andros, Andross, Governor Sir Edmund, order
 relating to a letter from, 209
 Sir Edmund, 299
 Major Edmund, 162
 Governor Edmund, 164
 Governor, letter from the General Court to,
 respecting affairs in Maine, 168
Anglesey, Earl of, 115
Apenow, Aspenaw, an Indian, 368
Appleton, Apleton, John, 336, 409
 deputy, 2, 14, 184
 captain of Ipswich troop, 419
 John, Jun., appointed lieutenant at Ips-
 wich, 394
 Samuel, Lieutenant, 34, 144, 156, 170, 182,
 322, 325, 332, 336, 345, 372, 382, 414, 420,
 421, 430, 449, 465, 469, 472, 494, 500, 508
 deputy, 42, 43, 77, 98, 132, 210, 260, 266, 302
 chosen Assistant, 308, 350, 407, 437, 475, 513
 appointed sergeant major of Essex south
 regiment, 380
 appointed captain at Ipswich, 394
 Samuel, Jun., see Sauvage, Thomas, . . . 246
 Major Samuel, loss of arms and clothes,
 by the burning of his tent, to be made
 good, 115
 Captain, 36, 66
 letter of instructions to, from the General
 Court, 52, 53
Aquetaquash, an Indian, 365
Argilla, farm belonging to the estate of Depu-
 ty Governor Symonds, 246, 256, 257
Armitage, Mary, referred to the next County
 Court of Suffolk, 249
Arms of England to be carved by an able
 artist, and erected in the Court
 house, 203
Arms, ammunition, &c., order to pay Mr. Usher
 for two hundred and ninety-two mus-
 kets, 22
 supplies for the Indian expedition, &c.,
 ordered, 44
 troopers and pikemen to furnish them-
 selves with firearms, 47
 one thousand firearms to be purchased
 and distributed to the towns, 48
 selectmen authorized to raise money to
 pay for, 48
 provision to secure the restoration of arms, 51
 town committees of militia authorized to
 settle for, 52
 a gunsmith to be stationed at Concord to
 repair arms, 54
 each town to provide six flints for each
 soldier, 63
 order for purchasing fifty or sixty barrels
 of powder, 218
 compensation established for general sur-
 veyor of, 237
 Treasurer ordered to purchase powder, . . 504
Arnold, Francis, 101
Artillery, (Ancient and Honorable,) regulations
 adopted by, and confirmed by the
 General Court, 151, 152
Assabath Meadow, 253
Ashant's Hill, 515
Ashley, Edward, 222, 251, 332
Assoaske, an Indian, 216, 217
Associates, with magistratical power, order for
 commissionating, 139
Assistants, freemen ordered to send in their
 votes for, 195
 number of, and manner of choosing, . . . 291
 chosen, 1, 27, 77, 131, 183, 209, 210, 265, 308,
 350, 407, 436, 437, 475, 513
Astry, —, 422
Atherton, Jonathan, petition of, refused, . . . 153
 Major, 152
Athy, Martha, referred to the County Court, . 510
Attorney General, answer to objections of the,
 to the laws of Massachusetts, 198
Atwater, Mary, empowered to make a deed of
 sale to Nicholas Paige, 115
Auditor's report on the Treasurer's accounts, . 26
Ausebee, Assabee, 54
Austin, Anthony, appointed lieutenant at South-
 field, 327
Avery, William, 56, 482
Avis, John, see Creeke, Edward, 250
Awagwon, Awaga, John, an Indian, 365, 368
Awassamoag, Awassamug, Awasamog, Awasa-
 moage, Awasamug, Awosomug, Abi-
 gail, 534, 535

- Awassamug, Awasamog, Awasamoage, Awassa-
mug, Awosomug, John, an Indian, 354, 361,
364, 484, 533
- power of attorney to Thomas Awasso-
mug from, 531
- and others, deed from, to Thomas Awassa-
mog, 531, 532
- John, Sen., 227
- John, Jun., 361, 364
- Joshua, 532
- Samuel, 361, 364, 531—533
- Thomas, 361
- an Indian, sale of his land confirmed, 484,
485
- power of attorney from John Awasso-
mug to, 531
- deed from John Awassamog and others
to, 531, 532
- deed to Edward Rawson from, 533—535
- Ayres, Peter, deputy, 302, 408, 514
- Susanna, reimbursed for her expendi-
tures, 146
- widow, to be paid her bill in full, 175
- Badcocke, Robert, 86
- Baker, Richard, 129
- Thomas, 377, 415
- deputy, 421, 437, 514
- lieutenant of Andover troop, 410
- and others, petition of, referred to the
next session of the General Court, 410
- granted a hearing at the next session of
the Court, 452
- vs. John Putnam, Court's judgment in
the case of, 460
- Timothy, appointed ensign at Northamp-
ton, 504
- Mrs., 246, 256
- Bakers, committee to make further experiment
on the bread of, 272
- in Boston, committee on petition of cer-
tain, 317
- of loaf bread, order for regulating the
prices of, 322
- committee on the complaint of, 498, 499
- bread, committee to inquire respecting the
price of, &c., 222
- Bale, Bathsheba, petition of, granted, 275
- Ball, Samuel, petition of, granted, 444
- Ballard, Ballat, Jarvis, allowed to make a
wooden addition to his house, 431
- Samuel, 180, 230
- Mr., 250
- Balston, John, 439, 458
- Bancroft, Thomas, allowed to resign his place
as ensign, 255
- Barbadoes, Island of, 523
- Barber, George, deputy, 99, 133, 260, 303, 351
- Captain, 189
- Barefoot, Mr., order for returning him to jail,
&c., 149
- Barker, Richard, Sen., 346
- Barnard, Francis, to be paid ten pounds, pro-
vided, &c., 411
- Matthew, Lieutenant, 33
- Barnes, Nathaniel, 331
- Barney, Jacob, 409
- Barrett, Humphrey, approved ensign at Con-
cord, 504
- Barter, Captain, 332
- Bartholmew, Henry, 15, 21, 26, 83, 98, 128, 129, 225,
285, 441, 463, 473
- deputy, 2, 14, 77, 98, 420, 437
- William, fine remitted, 251
- Bartlett, Bartlet, Richard, 483
- deputy, 260, 302, 308, 437, 476, 514
- Barton, Edward, 18
- licensed as innkeeper for Capenawaghen, 20
- Bass, Basse, River, 170, 227
- Bassett, William, and others, granted a tract
eight miles square, 487
- Bath, Earl of, 422
- Batter, Edmund, 204, 219, 325, 358, 421
- deputy, 41, 43, 132, 184, 350, 420, 475
- Mr., 248
- Battle, Thomas, 37
- See Brattle.
- Bayly, James, and others, referred to the next
Court, 377
- Mr., Court's order for his settlement as the
minister of Salem Village, 247
- Beale, Beales, Benjamin, 24
- decision of General Court between Thomas
Patten, &c., 24
- Jeremiah, appointed ensign at Hingham, 315
- appointed lieutenant at Hingham, 394
- Nathaniel, deputy, 77, 98, 132, 408, 420
- Beard, Aaron, 18
- Beer, retail prices of, established, 135
- Beers, Beeres, Eleazar, allowed to lay out three
hundred acres of land, 359
- Elizabeth, 359
- Richard, 10, 359
- deputy, 2, 14, 42, 43
- Belcher, Belchar, Jeremiah, and others, granted
a tract for a new town; committee of
prudentials appointed, 36
- Joseph, 57
- Moses, see Billings, Roger, 301
- Sergeant, 36
- Belding, Mary, 298
- Belknap, —, 178
- Bell, Abraham, 319

- Bell, Catharine, administratrix, allowed to sell real estate, 319
 Thomas, 6
 Mr., rents of his estate to be paid to Roxbury free school, 22
- Bellingham, Mrs. Penelope, allowed to withdraw her petition, 35
 inventory of the property of her late husband set off to her, 142
- Richard, 36, 102, 142, 403
 case respecting the will of, referred to the County Court of Suffolk, 24
 hearing on his will referred to the next General Court, 56
 his will declared null and void, 105
 committee to examine the accounts of the executors of, 106
 order relating to the settlement of the estate of, 131
- Governor, deceased, 6, 238
- Samuel, 13, 24
 hearing in the case of, referred to the next session, 36
 time for hearing of his case fixed, 98, 101
 case of, brought up and postponed, 101, 102
 administration on the estate of Richard Bellingham, granted to, 105
 case of, heard and adjudged, 105
- Mr. [Samuel], 153, 397
- Bendall, Freegrace, (deceased,) administrators of, empowered to sell real estate, 296
- Bennet, David, 173
 Henry, 36
 William, 149
- Benjamin, Abigail, referred to the County Court, 516
- Benjamin, an Indian, 365—367
- Bent, Elizabeth, 147
 John, 354
 Peter, fine of, suspended till further order, 147
- Bernard, Joseph, allowed £1 17s. 6d., 319
- Bert, Nathaniel, petition of, refused, 279
- Bessell, John, 18
 sergeant for Dameril's Cove and Hippocras, 19
- Beverly, 2, 42, 56, 78, 133, 151, 186, 208, 211, 245, 260, 266, 268, 293, 303, 309, 311, 408, 421, 437, 476, 487, 514.
 committee to view and report on certain lands in, 34
 petition of, granted, and Mr. Whipple placed on committee relating thereto, 147
 military officers of, 170
 report of committee about certain lands petitioned for, accepted, 170
 landmark appointed for, 190
- Wenham, and Salem Village, committee to settle differences between, 208
- Beverly, committee's return accepted, 223, 224
 hearing granted on the case of, 251
vs. Wenham, Courts' judgment in the case of, 276
 further hearing in the case of, granted; case settled privately, 298
 annexed to the port of Salem, 383
 and Wenham, new troop organized for, 409
- Bex and Company, 246
- Bexby, Bixbee, Joseph, 479, 480
- Bey, Philip, 18
- Bickford, George, grand juror, 18
 John, 38
 See Buckford.
- Bicknel, Bicknell, John, deputy, 132, 184
- Bigsby, Bixbee, Joseph, Sen., 498
- Bill, Francis, 10
- Billerica, 56, 99, 188, 189, 261, 295, 419
 allowed to take up waste land, 41
 affairs of the foot company in, 56
 constables to collect the rates of certain delinquents, 173
 selectmen, petition answered, 350
- Billings, Billing, Roger, 121
 and others, referred to Suffolk Court for answer, 301
 allowed to purchase land of certain Indians, 378
- Bingley, Thomas, 177
- Bircham, Edward, 460
 committee to inquire respecting a grant of land to, 378
- Bishop, Nathaniel, and others, freed from imprisonment, 417
 Samuel, punishment of, abated, 173
 and Robert Lord, judgment in the case of, 416
 Mr., 357
- Bishop's Farm, 219
- Black, James, an Indian, 342, 365—367, 369
 and Company, two plats of land five miles square confirmed to, 488
- Black Point, 122, 123, 125, 134, 141, 162
 Captain Joshua Scottow encouraged to recover the forts at, 129
 order relating to the garrison at, 182
 River, 11, 12
- Blackman, Henry, 38
- Blackston's River, 531
- Blackwell, Jonn, and others, granted a town-ship eight miles square, 467
 explanation respecting the grant to, 472
 allowed to set up two old houses, &c., 504
- Blake, James, 223
 deputy, 132, 351, 407, 420
 William, 188

- Blake, William, deputy, 303, 351, 421
and others, answer to petition of, 188
- Blanchard, George, and others, answer to the
petition of, 146
Joseph, 146
Samuel, 146
- Blano, Blayno, Hannah, 247
John, 247
committee to inquire into the ground of
his complaint, 206
time for hearing the case of, appointed, 234
- Blanton, Blantin, Phebe, consideration of her
petition postponed, 102
petition of, refused, 174, 418
- Blathwait, Blaithwayt, William, 473, 474
king's commission to, as auditor and surveyor
general, read in the General Court, 333
his commission as surveyor general, 521—526
deputation to Edward Randolph as surveyor
of New England, from, 526—529
- Blew Point, 11
- Blood, Elizabeth, 410
James, deputy, 408
John and Robert, relieved from taxes in
Concord, 188
case of, referred to the County Court, 316
Robert, 188, 316
and wife, to have a hearing at next session, 410
- Boggestow, 23
See Sherborne.
- Boggestow Brook, 37
- Boise, Mr., 189
See Boyse.
- Boman, Samuel, an Indian, 364
- Bond, William, lieutenant, 75
- Bonyghton, Bonighton, Bonithon, Richard,
place of settlement indicated, 11
Captain [Richard], 112
- Boston, 2, 42, 43, 47, 56, 57, 77, 82, 83, 98, 132, 135,
138, 143, 147, 151, 154, 166, 173, 180, 187,
189, 210, 235, 239, 242, 245, 251, 260, 262,
265, 271, 275, 278, 302, 306, 308, 311, 317,
322, 323, 337, 373, 381, 384, 389, 392, 394,
400, 402—404, 406, 407, 418, 420, 425, 427,
431, 433—435, 437, 438, 442, 444, 452, 453,
456, 461, 462, 466, 468, 474, 476, 483, 484,
488, 499, 501, 506, 511, 514, 533.
order for extending the power of the commissioners of, 15, 16
militia of, to be divided into two companies, 16
and other towns, answer to a petition from,
referring to debts, 28
militia of, divided into eight companies, 32
affairs of military companies in, 32
- Boston, regulations for protecting it against the
Indians, 46
order of council relating to building on
the burnt district of, 139
report of selectmen on laying out certain
streets, accepted by the Court, 140
John Hayward appointed postmaster at, 147
bakers, answer to the petition of, 222
order prescribing the material of dwelling
houses in, 240
selectmen of, authorized to determine certain
causes, 240
law relating to building materials in, suspended, 266
ten persons banished from the colony on
suspicion of attempting to burn, 250
law respecting building materials to be
used in, suspended for three years, 266
bakers, committee on petition of, further
empowered, 272
allowed to send three deputies to County
Court, 305
number of taverns, &c., established, 305
undertakers for building a sea wall at, invested
with certain powers, 310, 311
naval office to be erected in, 337
surveyors for the port of, 374
made a lawful port, 383
Timothy Prout appointed captain of the
fortifications, &c., 419
stone and brick to be used for buildings
in, &c., 426
law to encourage building with brick and
stone in, 432
selectmen of, empowered to abate taxes of
sufferers by fire, 433
additional houses of entertainment to be
licensed in, 450
inhabitants allowed to erect wooden buildings
not over eight feet square, 465
number of jurymen from, 498
- Bosworth, Benjamin, 38, 408
grant of land to, 38
granted twenty acres of land, 480
granted two hundred acres of land, 515
Nathaniel, and others, granted a tract of
land for a town; committee to lay out
the same, 35
allowed to make a deed to Sampson
Shore, 36
empowered to administer oaths and solemnize
marriage in Hull, 314
deputy, 266
- Boudin, Richard, 400
- Boudish, William, deceased, committee to
examine the affairs of, 324

- Bound House in Hampton, 110
- Boundaries, colonial, committee to run the line
between Massachusetts and Con-
necticut, 270
- Bowditch, see Boudish.
- Bowers, Bower, Benanuell, petition of, referred
to the County Courts, 153
- sentenced to be openly whipped, 153
- order relating to his fine and imprison-
ment, 168
- Elizabeth, 153
- Bowles, John, 316, 426
- Boylston, Mr., 430
- Boynton, Joseph, empowered to act as constable
of Rowley, 501
- Boyse, Antipas, 182
- See Boise.
- Bracket, John, and another, petition granted, . 34
- Peter, allowed twenty pounds for dis-
bursements, 127
- deputy, 2, 15
- Captain [Richard], 426
- authorized to join persons in the bonds
of marriage, 251
- allowed to resign his captaincy, 459
- deputy, 2, 15, 266, 303
- Bradbury, Thomas, associate for Norfolk, 31, 88,
145, 226
- Bradeway, Richard, 18
- Bradford, 56, 122, 261, 295, 303, 394, 498
- addition to the garrison at, 92
- brandmark appointed for, 150
- order referring to the collection of rates
in, 315
- deduction from the rates of, ordered, 343
- order relating to delinquent selectmen
of, 393
- Bradstreet, Dudley, 316, 346, 419
- deputy, 132, 266, 421
- captain at Andover, 151
- authorized to solemnize marriage in An-
dover, 187
- Simon, 14, 25, 38, 43, 44, 51, 58, 70, 98, 100,
103, 105, 117, 132, 154, 185, 191, 239, 260,
262, 271, 290, 302, 304, 322, 332, 370, 372,
382, 414, 420, 421, 430, 433, 434, 449, 465,
469, 472, 492, 494, 500, 504, 506, 512, 513.
- chosen Governor, 210, 265, 308, 350, 407, 436,
475, 513
- chosen Assistant, 1, 27, 77, 131, 183
- commissioner in reserve, 1, 27, 131
- elected Deputy Governor by the towns, 209
- authorized to hold the Court in Norfolk
county, 31
- to hold a County Court at Hampton, 88
- letter from, to settlers at Casco Bay, 286
- Bradstreet, Simon, letter from, to the Earl of
Sunderland, 287—289
- Governor, &c., address from, to the king, 333, 334
- letter from, to Sir Lionel Jenkins, 388, 389
- Mr., 52
- Captain, 206
- Braiden, Brayden, James, 183
- See Hudson, James.
- commissary for the army, instructions to, 74
- time for hearing his case appointed, 186
- Mr., 207
- Braintree, 2, 42, 53, 55, 56, 77, 99, 133, 211, 251, 260,
266, 294, 297, 303, 309, 361, 408, 420, 437,
459, 476, 514.
- inhabitants allowed to lay out their six
thousand acres of land, &c., 252
- number of jurymen from, 498
- Brandmarks of Bradford and Concord, 150
- ordained for towns in Hampshire county, 324
- Branson, Brandon, Mr., 382, 383
- Brattle, Brattle, Thomas, Lieutenant, 52, 57, 65, 97,
126, 156, 206, 222, 231, 250, 254, 255, 272,
294, 313, 331, 341, 480.
- deputy, 184, 210, 260, 266, 309
- appointed lieutenant, 52
- captain of Suffolk troop, 87
- Captain, 227, 297, 317, 339
- Braunton, John, 80
- Breda, peace of, referred to, 374
- Brett, John, granted two hundred and fifty acres
of land, 297
- Brewer, John, 75
- Brewster's Islands, 488
- Bricks, order prescribing material and mode of
making, 212
- addition to the law regulating the size of, 450,
451
- Bridge, John, 316
- Bridges, Edmund, deprived of his civil privi-
leges, 272
- Bridgham, Bridgam, Jonathan, 147
- and others, petition of, referred to the
County Court of Suffolk, 147
- appointed lieutenant, 432
- Joseph, 147
- appointed ensign, 432
- Briggs, Abraham, William Rawson plaintiff
against, 105, 121
- Brigham, Thomas, deceased, order of 1656, re-
lating to the estate of, entered on
records, 472
- Brimsmead, Brimsmeade, Rev. Mr., 253
- Brisco, Benjamin, referred to the County Court
for answer to his petition, 222
- Brock, Mrs., 278
- Brockles, Captain, 168

- Brodhurst, Ralph, 367
 Brookfield, 146
 Brooks, Isaac, quartermaster of the Three
 County Troop, 151
 Broomfield, Edward, allowed to erect a wooden
 porch to his house in Boston, . . . 510
 Broughton, George, 53, 179
 Broune, Boaz, 408
 Francis, 18
 Lieutenant George, 418
 deputy, 42, 266, 421
 John, 283
 deputy, 260, 266, 303, 351, 408
 surveyor at Salem, 374
 Thomas, 446
 Captain William, 290, 302, 321, 322, 324, 414,
 421
 deputy, 41, 43, 265
 chosen Assistant, 265, 308, 350, 407
 senior associate for Essex county, . . 205, 226
 William, Jun., 419, 420
 captain at Salem, 206
 Lieutenant, 314
 Brush Hill, 86, 228
 Buckford, William, 18
 See Bickford.
 Bucknell, Bucknill, George, 18
 licensed as innkeeper, 20
 Richard, 18
 Bud, Budd, Edward, 178
 Bulkley, Bulkly, Bulkeley, Gershom, allowed
 twenty-five pounds for care of a
 wounded soldier, 282
 John, 130
 Peter, 7, 14, 34, 68, 100, 118, 119, 163, 185, 197,
 260, 268, 290, 297, 302, 303, 313, 315, 322,
 331, 332, 339, 372, 382, 414, 420, 421, 430,
 480.
 deputy, 2, 14, 42, 43, 77, 98
 chosen speaker, 70, 78, 99
 chosen Assistant, 131, 183, 210, 265, 308, 350,
 407, 436
 chosen commissioner of the United Col-
 onies, 350, 407
 chosen commissioner in reserve, . . . 436
 captain at Concord, 151
 bearer of an address to the king from
 the General Court, 106, 107
 instructions to, as agent in England, 113—116
 to receive one hundred and fifty pounds
 gratuity, for service as agent in Lon-
 don, 263
 to command one of the regiments in
 Middlesex, 295
 and others, to hold a court in Essex, . 398
 granted one thousand acres of land, . 418
 Bulkley, Mr., 7, 208, 313, 317, 352, 360
 Rebecca, one hundred pounds granted
 to, &c., 208
 Bull, Mr., 141
 Bullard, John, 402
 Nathaniel, instructed in respect to his
 power as constable, 395
 Bullen, Bulleine, Bulling, Samuel, allowed an
 abatement of his rate, 255
 deputy, 309
 Ensign, 86
 Bullis, Philip, 205
 See Leveret, Hudson.
 Bumsted, Jeremiah, fine of, suspended, &c., . 190
 granted two hundred acres of land, and
 licensed to sell ale, beer, &c., . . . 484
 Burden, Clois, 168
 Burg, Jane, 359
 Burnap, Robert, 186, 432
 See Hawkins, William; also Burnet, Robert.
 Thomas, 432
 Burnet, George, 18
 appointed administrator of John Waller's
 estate, 18
 Robert, 445
 See Hawkins, William.
 George, Sen., *alias* Burnap, Robert, . . 460
 Burnham, Burnams, Robert, 38
 Thomas, 236
 deputy, 420, 437, 475
 ensign at Ipswich, 33
 appointed lieutenant at Ipswich, . . 394
 Burridg, Buridg, John, Sen., 51
 John, Jun., 51
 Burt, Burte, David, 481
 Jonathan, 411
 Burton, Richard, 51
 Bartholomew, 529
 Bush, Reynold, and family, selectmen of Cam-
 bridge authorized to manage for, . . 345
 Busse, William, appointed ensign at Concord, . 315
 Buswell, Samuel, Sen., 479, 480
 William, deputy, 266
 Butler, N., 530
 Stephen, 297, 507, 512
 vs. William Hollowell and others, judg-
 ment of the General Court in the
 case of, 251
 and others, judgment of the County
 Court in the case of, confirmed, . . . 332
 committee on the case of, 332
 advice of the General Court in the case of, 340
 vs. William Holloway, judgment of the
 General Court in the case of, . . . 356
 children of William Holloway to make
 payments to, within a certain time, . 416

- Butler, Stephen, committee to report on the state of buildings in possession of, . . . 511
 —, 505
- Bymion, Patrick, 511
- Cage to be built in Boston market-place, . . . 133
- Call, John, ensign at Charlestown, 307
- Cambridge, 2, 4, 42, 43, 56, 77, 98, 103, 132, 151, 210, 218, 236, 260, 266, 278, 295, 302, 308, 345, 352, 397, 398, 407, 417, 420, 437, 446, 455, 475, 485, 514.
 selectmen of, to assist the militia in fortifying, 89
 case of, referred to the next Court, . . . 380
 petition of certain inhabitants postponed, . . 417
 committee on petition of inhabitants of, . . 443
 allowed ten pounds per annum to keep the bridge in repair, 459, 464
 number of jurymen from, 498
- Cambridge Village, 73, 146, 173, 295, 328
 to be a distinct military company, . . . 15
 case of, to be heard at a time fixed, . . . 188
 inhabitants to observe the law regulating voters, &c., 252
- Cambridge Neck, 87
- Cambridge Platform of Church Discipline to be printed, 287
- Campbell, Hugh, petition of, relating to Scotch immigrants granted, 263
- Canada, 166, 168
 Earl of Frontinac, governor of, . . . 373
- Cannon, Abel, 400
- Canterbury, Archbishop of, 422
- Cape Ann, 334
 committee to obtain the consent of the inhabitants to the address in their name to the king, 340
 See Gloucester.
- Cape Sable, 168
- Capeanagusset, Cape Anagusset, see Swan Island.
- Capenawagghen, 17—20
 See Nawaggen.
- Capen, John, appointed captain at Dorchester, 394
 deputy, 2, 14, 42, 43, 77, 98, 132, 184
 Captain, 471
- Carary, Nicholas, 18
- Carr, George, Sen., to have a garrison to protect his ferry, 89
 answer to his petition, 231
 allowed one pound four shillings for ferryage, 328
 William, appointed a land surveyor, . . . 375
- Carter, John, 37
 authorized to perform the marriage rite, . . 38
- Carver, Robert, 178
- Casco, 395, 403
- Casco Bay, . . . 122, 273, 392, 397, 403, 404, 406, 442
 letters from the General Court to settlers at, 286
 committee to manage the affairs of, . . . 286
- Cases postponed to October session, 413
- Casks, coopers, &c., explanation of the law relating to, 293
- Castell Hill, 257
- Castle, visited and inspected by the whole General Court, on its completion, . . . 15
 order for increasing the garrison at, . . . 15
 order for paying workmen and finishing, . . 29
 soldiers not exempted from extraordinary watches, 45
 to be put into a state of defence, . . . 187
 order for covering and finishing, . . . 156
 Treasurer to provide lead for covering, . . 126
 Captain Thomas Brattle added to the committee for, 126
 order to pay half the wages of the garrison of, 204
 committee's report on the state of, . . . 220
 committee for, empowered to augment the number of soldiers, 269
 head money for soldiers of, how allowed, . 305
 addition to committee on the repairs of, &c., 418
 committee to audit the accounts of John Hubbard, referring to, 467
- Catchechawitt Pond, 354
- Cauly, Robert, 18
- Chalice, Lieutenant Philip, transferred from Salisbury to Amesbury company, . . . 283
- Chamberlaine, Mr., 382, 388
- Champney, Samuel, deputy, 514
- Chancery, County Courts invested with powers of, 477, 478
- Chandler, Ensign Thomas, 346
 deputy, 184, 260, 302
 lieutenant at Andover, 419
- Chapin, Henry, 205
 Josiah, 454, 471
- Charles I, King of England, 108, 457
- Charles II, 421, 424, 474, 495, 521, 526, 529—531
 petition and address to, 10, 197
 proclamation of, relating to the *quo warranto*, &c., 423
 letter from the General Court to, . . . 157
 oath of allegiance to, 192
 letter from, to the Governor and Company read to the Court, 261
- Charles River, 110, 348, 398, 464
- Charlestown, 2, 41, 43, 56, 57, 77, 98, 132, 180, 207, 210, 236, 242, 251, 252, 260, 265, 268, 295, 302, 308, 405—407, 412, 420, 428, 433, 437, 452—455, 459, 475, 511, 514.
 order relating to building a dry dock at, . . 180

- Charlestown, committee to report concerning
the battery at, 227
battery, committee's report concerning, 249, 250
to be divided, 295
number of public houses, &c., in, 305
report of the committee for dividing the
trainband in, approved, 306, 307
officers of the two companies in, 307
fortifications at, to be repaired, 352
surveyors for the port of, 374
annexed to Boston as a port, 383
petitions from, referred to common law, . 486
number of jurymen from, 498
ferry not to land Indians without leave, . 47
ferry, persons employed at, exempted from
military service, 51
Charribby Islands, 523
Charter, question submitted to the clergy re-
lating to, 99
duplicate of, to be procured for Mrs. Lev-
erett, 223
persons appointed to take charge of the
original, 237
notice of its condemnation in England
communicated to the Court, 465
See Gorges and Mason.
Chebacco, Chebacko, Chebacho, Jebacho, 283, 381,
394
petition of inhabitants for leave to build a
meeting house referred to the town of
Ipswich, 146
petition of, not granted, 175
order for erecting a meeting house and set-
tling a minister at, 225
certain inhabitants of, to make acknowl-
edgments for offending council, 225
committee's returns relating to the meeting
house and minister at, accepted, 283, 285
Chebiscodogo Island granted to Thomas Dan-
forth and Samuel Nowell, 441, 442
Checkley, Cheekly, Cheekley, Chickley, Chek-
ly, Anthony, 178, 296
ensign, 33
appointed ensign, 40
Court's answer to his question, 274
referred to a County Court, &c., 321
hearing appointed on petition of, 504
and children of Stephen Butler, hearing in
the case of, adjourned, 507
committee's return in the case, 512
Samuel, appointed ensign, 510
Chelmsford, 54, 56, 58, 78, 99, 189, 261, 268, 275,
295, 358, 419, 421
burning of a haystack at, to be inquired
into, 57
Indians sentenced for firing the haystack at, 58
Chelmsford, a frontier town, 79
taxes abated on account of losses by the
Indians, 125
Cheevers, Ezekiel, 276
time for hearing his case appointed, . . . 254
Bartholomew, appointed lieutenant, . . . 341
Cheyne, Charles, 530
Chickering, John, deceased, Joseph Dudley
administrator of, 130
William Stoughton and John Bulkly ap-
pointed guardians to, 130
Mr., 122, 452, 454
Dr., 178
Mrs., 130
Children of the church, care of, commended to
the elders, 59
Chochecho River, 234
Christmas, law against, to be left out of the
colony laws, 322
Chubb's Creek, 223
Church, Captain, 126
Churches, reformation of, recommended, . . 59
Clap, Ebenezer, 188
Roger, 204, 418
and company, order respecting the pay-
ment of their wages, 222
Samuel, appointed ensign at Dorchester, . 394
Sergeant Preserved, 360
Clapboard Island, 404
Clarendon, Earl of, 422
Clarke, Abraham, 18
Christopher, surveyor for the port of Boston, 374
Henry, 411
associate for Hampshire, 31
John, petition of, granted on condition, . . 462
forfeiture of his bond, two hundred
pounds remitted, 514
Jonas, Sen., on petition, granted three
hundred acres of land, 9
description of his farm, 417
Nathaniel, appointed naval officer for
Newbury and Salisbury, 439
appointed ensign at Rowley, 483
Major Thomas, 7, 14—17, 26, 27, 33, 43, 46, 57,
58, 70, 83, 98, 103, 114, 117, 122, 128, 129,
132, 140, 151, 152, 154, 189, 237, 294, 419.
chosen Assistant, 1, 27, 77, 131
appointed to hold the Courts at Ports-
mouth or Dover, and in Yorkshire, . . . 5
and others, commissioners to hold a
Court at Kennebec, &c.; also to ap-
point commissioners for trying small
causes, 5
to strengthen the garrison at Mendon, . . 51
and another, order for restoring two guns
to, 149

- Clarke, Thomas, description of land laid out to, 445
- Major, 32
- Lieutenant Thomas, 2, 14, 127, 205
- deputy, 2, 14, 42, 43, 77, 98
- captain at Boston, 33
- Rev. Thomas, allowed six pounds for service in the army, 127
- Uriah, allowed to be married to Thomas Holbrook's daughter, 17
- William, 22, 170, 185, 277, 321
- deputy, 2, 15, 42, 78, 133, 266, 309, 351
- one of the committee for Hadley plantation, 9
- associate for Hampshire, 31, 87, 145, 187, 226, 279, 317, 356, 443, 485
- to be paid for public stores by him furnished, 126
- his petition as to the bounds of Squakeage granted, 482
- Lieutenant, 22, 84, 185
- Clary, John, Sen., allowed four pounds for his son's horse, 205
- Cleuton, Lawrence, his case referred to the Court of Assistants, &c., 190
- Clergy, summoned to advise with the General Court, 99
- question relating to the charter submitted to the, 99
- Clerk's salary, one fourth to be paid in money, 269
- Clerks of Courts to be sworn, 3
- oath of, 3
- secretaries, &c., directions to, as to making executions, &c., 28
- of the writs, powers of, ascertained, 194
- Cleves, Mr., 395
- Cobbet, Thomas, Sen., 336
- Cock, John, 18
- William, licensed as innkeeper for Saggedehock and Kennebec, 20
- Cocksquannon, an Indian, 362
- Codfish, a present of, to Charles II., 156
- Codman, Hepsibah, 250
- See Creeke, Edward.
- Coffin, Coffyn, Coffyne, Peter, 445
- deputy, 211
- Tristram, 336
- lieutenant at Newbury, 409
- Coggan, John, order of the General Court on petition relating to will of, 27
- Martha, 23
- Cogswell, John, 126
- vs. William Cogswell, executor, &c., decision of the General Court in the case, 150
- John, Jun., 126
- Margaret, to have a hearing of her case, . 126
- Cogswell, William, 336
- executor, &c., vs. John Cogswell, decision of the General Court in the case of, . 150
- William, Sen., 225
- Coin, order providing for keeping it in the country, 351
- addition to the law regulating the, . . . 373
- Coining of money, see Mint.
- Colcord, Edward, hearing on his petition referred to Norfolk County Court, . . . 38
- Cole, Abraham, and another, forty pounds remitted to, for losses as tax collectors, . 343
- Edward, 18
- John, grand juror, 18
- licensed as innkeeper for Pemaquid, . . 20
- Cold Harbor Brook, 515
- Coleman, John, and another, empowered to pass deeds, &c., 356
- Mehitable, 356
- Collecot, Collicot, Collicat, Richard, 5, 16—18, 103, 150, 153
- commissioner to hold the court in Devonshire, 30, 87
- Collins, John, granted five hundred acres of land; committee to lay it out, 409
- Peter, 18
- Colony seal, order for purchasing the one used by Governor Leverett, &c., 223
- Colton, George, deputy, 132
- Thomas, appointed ensign at Springfield, 311
- appointed lieutenant at Springfield, . . 490
- Comer, John, 442
- Comes, John, 143
- Comins, Richard, 37
- Commissary for the army, instructions to James Braiden as, 74
- Commissioners of the United Colonies chosen, 1, 27, 77, 131, 183, 210, 265, 308, 350, 407, 436, 475, 513.
- "Commonwealth" to be stricken out of the laws in certain cases, and "jurisdiction" substituted, 339
- Conant, Connant, Exercise, 441
- deputy, 351, 408, 437
- Roger, grant of two hundred acres of land to, 227
- Concord, 2, 42, 43, 56, 77, 82, 83, 85, 91, 93, 98, 132, 142, 151, 188, 210, 260, 266, 295, 309, 358, 408—410, 420, 437, 475, 504, 514, 517.
- gunsmith to be impressed for, 54
- a frontier town, 79
- taxes abated on account of losses by the Indians, 124
- brandmark appointed for, 150
- number of jurymen from, 498
- Coney, John, appointed ensign, 280

- Connandondaw, an Indian sachem, 461
 Connecticut soldiers referred to, 52, 66
 desired to furnish a force for the Indian
 war, 92
 letters to be sent to, asking for its quota, . . 92
 letter to the government, calling for their
 quota of troops, 140, 141
 letter from the General Court to the gov-
 ernment of, 317—319
 order for laying out a new road to, &c., . . 394
 See Boundaries, colonial.
 Connecticut River, island in, below Spring-
 field, granted to John Pynchon, 329, 330
 Connigrave, Elizabeth, petition of, referred to
 County Court, 22
 Conomag, Sarah, an Indian woman, 216
 Conquered lands, committee appointed to at-
 tend to the sale of, 204
 Conspiracy against the government to be pun-
 ished with death, 339
 Constables to have their black staves with
 them in certain cases, 29
 selectmen, &c., addition to law relating to
 choice of, 306
 question as to the power of, answered, 315, 373
 See Marshals.
 Convers, Converse, Ensign James, 445, 511
 deputy, 260, 266, 303, 437, 475, 514
 fine of, remitted, 264
 Ensign Joseph, deputy, 420
 Ensign, deputy, 266
 Sergeant, 86
 Conveyances, deeds, &c., the word, "such" to
 be expunged from the law relating to, 473
 Conway, Earl of, 422
 Cooke, Cook, Captain Aaron, 504
 associate for Hampshire, 279, 317, 356, 443, 485
 Aaron, Jun., captain at Hadley, 189
 Joseph, 289, 303, 463
 lieutenant at Cambridge, 151
 deputy, 77, 132, 184, 260, 266, 302
 Elisha, 178, 341, 351, 359, 380, 393, 416, 421,
 434, 436, 441, 446, 449, 453, 464, 465, 467—
 469, 472, 473, 476, 479, 484, 487, 493, 494,
 498, 500, 501, 506, 508, 511, 512.
 deputy, 308, 351, 407, 420, 464, 465, 467—469,
 472
 chosen speaker, 408, 421
 chosen Assistant, 437, 475, 513
 Lord, 439
 Richard, 153
 Samuel and Elisha, appointed a com-
 mittee to draw up a letter to Robert
 Humfreys, 468
 Mr., 339, 340, 454, 505
 Cooke, Dr., 248
- Coolidge, John, 75
 Nathaniel, ensign at Watertown, 283
 Cooly, Benjamin, allowed to resign his com-
 mission of ensign, 236
 Henry, 140
 Cooper, Elizabeth, 222
 John, 32, 345
 to have thirty-five pounds out of sub-
 scriptions to Harvard College, 445
 Josiah, 222
 Mary, empowered to sell real estate, . . . 222
 Lieutenant, 12, 283
 Mr., 380
 Deacon, 144
 Corbyn Sound, 20
 Corlet, Ammy, 141, 142
 Elijah, farm of five hundred acres laid out
 to, approved, 443
 Corn, &c., prices of, 16, 55, 120, 121, 156, 220, 296,
 324, 376, 417, 505
 See Taxes.
 Cornelison, Arnought, 319
 Corning, Samuel, 336
 Samuel, Sen., 170
 Corwin, Corwyn, Captain George, . . . 14, 21, 474
 deputy, 2, 14, 77
 hearing on petition of, 68
 examined for unofficerlike behavior, de-
 prived of his command, and fined one
 hundred pounds, 90
 restored to the command of his troop on
 their petition, 104
 certain persons conditionally dismissed
 from the troop of, 147
 appointed captain at Salem, 187
 fine of, remitted, 264
 Captain John, 21, 33, 127, 204, 224, 248, 317, 419
 deputy, 210, 260
 appointed captain of second company
 in Salem, 22
 Jonathan, administrator, empowered to sell
 lands on condition, 474
 Captain, 172, 233
 Cotoosonkcoot, 367
 Cotton, John, 483
 allowance to, as president of Harvard Col-
 lege, 352
 and Increase Mather, plat of four hundred
 acres confirmed to, 486
 Rev. John, plan of his dwelling house in
 Boston indicated, 456
 Seaborn, 486
 Coudrey, William, 186
 County of Devonshire established, 16
 See Devonshire; also Devon.
 Courler, ———, 320

- Court, County, to be held at Salisbury instead of Hampton, 245
- Court, General, names of members present at opening of second session of, 1674, . . . 14
- dissolved, 27
- adjourned to October 13, 1675, 41
- dissolved, 45
- second session opened, October 13, 1675, . 46
- adjourned to November 3, 1675, 58
- responsible for money lent for public use, 71
- dissolved, 76
- special session of, August 9, 1676, . . . 98
- reason for calling special session of, . . 99
- special session, September 6, 1676, . . . 103
- address of, to the king, respecting the claims of Gorges and Mason, . 106—108
- second session of, October 11, 1676, . . 117
- October session, 1677, 154
- order referring certain matters to the October session, 1678, 185
- October session, 1678, 191
- private cases before, postponed, 192
- fast for, appointed for October 9, 1678, . 192
- answer of, to objections made by the authorities in England to the laws, proceedings, &c., of Massachusetts colony, 198—201
- time appointed for hearing certain cases, . 206
- May session of, 1679, 210
- letter from, to the agents in London, . . 220, 221
- second session of, 1679, 239
- special session of, 1679, 260
- first session of the, 1680, 265
- letter from, to his majesty, 270
- letter from, to the Earl of Sunderland, 287—289
- second session of, October 13, 1680, . . . 290
- special session of, January 4, 1680—1, . . 302
- debates in, referred to, 303, 304
- May session of, 1681, 308
- adjourned session of, October 12, 1681, . 322
- third session of, February 15, 1681—2, . . 332
- second session, October 11, 1682, . . . 372
- special session of, February 7, 1682—3, . . 382
- address from, to his majesty, 385, 386
- first session, May 16, 1683, 407
- second session of, October 10, 1683, . . . 414
- session of, November 7, 1683, 420
- adjourned session, February 13, 1683—4, . 430
- session of, May 7, 1684, 436
- sessions for consideration of the *quo warranto*, &c., 423
- address from, to the king, 439, 440
- special session of, July 9, 1684, 446
- special session, September 10, 1684, . . . 449
- ground of calling special session stated, . 449
- session of October 15, 1684, 453
- Court, General, dissolved, 464
- special session of, January, 1684—5, . . . 465
- adjourned to March 18, 1684—5; adjourned session, 469
- adjourned to the first Wednesday in May, 1685, 472
- adjourned session of, May 6, 1685, . . . 472
- May session of, May 27, 1685, 475
- adjourned to July 7, 1685, 488
- assembled, July 7, 1685, 488
- adjourned meeting of, July 21, 1685, . . . 494
- conference of, with the elders, 494
- adjourned meeting of, August 12, 1685, . . 497
- adjourned meeting of, September 16, 1685, . 500
- second session of, October 14, 1685, . . . 502
- adjourned session of, November 17, 1685, . 506
- adjourned to February 16, 1685—6, with provisions for meeting sooner, if a ship from England arrive, 507
- adjourned session of, February 16, 1685—6, . 508
- adjourned to May 11, 1686, 511
- session of, May 11, 1686, 512
- session of, May 12, 1686, 513
- adjourned to second Wednesday in October, 1686, 517
- Court House, the king's arms to be erected in, 203
- Courts, form of oath to be administered to clerks of, 3
- clerks of, to be sworn, 3
- officers of, not to be exempted from the Indian war tax, 65
- County, mode of electing the associates of, . 3
- associates of, when to be sworn, 4
- at Salisbury to be omitted, 75
- at Hampton to take cognizance of all matters in the county, 76
- Coventry, Henry, letter from the General Court to, respecting the claims of Gorges and Mason, 118, 119
- Sir Henry, (English secretary of state,) letter to, from the General Court, . . . 160
- Cowel, Cowell, Edward, allowed two pounds five shillings for horse lost in country service, 10
- to receive five pounds for an injury to his horse, 37
- order to examine and pay the claims of, . 235
- John, 255
- Cowley, Nicholas, 452
- Cox, Richard, 18
- Robert, the sentence of his servant committed, 117
- Shadrack, 18
- Thomas, 18
- sworn as constable of Monhegin, . . . 18

- Cox, Thomas, Jun., 18
 William, 18
 Coxwell, —, 257
 Coytmore, Thomas, 381
 Crafts, Lieutenant Griffin, allowed to resign his
 commission, 73
 Cragg, John, 178
 Cranberries, to be provided as a present for
 Charles II., 156
 Craven, Earl of, 422
 Crauet, Mordecay, 404
 Crawford, Joseph, 205
 Mary, widow, empowered to pass deeds of
 sale, 205
 Creeke, Deborah, and others, banished from
 the colony, 250
 Edward, and nine others, banished from
 the colony, on suspicion of attempt-
 ing to burn Boston, 250
 Criminals, question relating to the trial of, . . 323
 Crookehorne, 24
 Crosse, Robert, Sen., 225
 Croune, William, order in favor of, 378
 Crow, Christopher, order of referee respecting
 the petition of, 22
 Cumins, Richard, report of committee on the
 patent of, 10
 Curtis, Curtice, Ephraim, 146
 to have three hundred acres of land, . . 10
 petition of, dismissed, 23
 Henry, 18
 Henry, Jun., 18
 John, appointed guide to the expedition
 against the Indians, 74
 to take with him six Indians for spies, . 74
 Cushing, Cushin, Daniel, empowered to marry
 persons in Hingham, &c., 377
 deputy, 266, 302, 351
 Mathew, cornet of Hingham troop, . . . 281
 Customs, rate upon goods imported to be
 farmed, 52
 See Revenue; Excise.
 Cutler, John, appointed lieutenant at Charles-
 town, 207
 deputy, 265, 302, 351
 John, Sen., lieutenant at Charlestown, . . 307
 Cutt, Cutts, John, appointed a magistrate at
 Dover, 5
 president of New Hampshire, letter from, 280,
 281
 deputy, 78, 99
 Richard, 15, 73
 deputy, 2, 15, 42
 appointed a magistrate at Dover, . . . 5
 commissioner for Portsmouth, 30
 associate for Dover and Portsmouth, . . 31
 Dady, Martha, executrix, referred to Middle-
 sex County Court, 431
 referred to the County Court, 455
 William, 455
 Dalton, Samuel, appointed an associate for
 Norfolk County, . . 5, 31, 88, 145, 187, 226
 commissioner for Norfolk, 30
 associate for Norfolk, 226
 deputy, 2, 42, 77, 99, 184, 211
 invested with magistral power, 88, 145, 187,
 226
 Mr., 276, 316
 letter of General Court to, relating to
 rates due from New Hampshire towns, 281
 Damerill's, Damerill's, Cove, 18—20
 Damon, Dammon, John, appointed lieutenant
 at Reading, 127
 allowed to resign his place of lieutenant, 452
 Samuel, 487
 Lieutenant, 283
 Dane, Rev. Mr., 325
 Mr., 343, 344
 See Andover.
 Danforth, Jonathan, 40, 104, 173, 175, 189, 191, 219,
 227, 234, 358, 375, 417
 appointed lieutenant, 56
 appointed a land surveyor, 375
 authorized to solemnize marriage and ad-
 minister oaths, 189
 captain at Billerica, 419
 Thomas, 14, 27, 43, 46, 58, 70, 98, 103, 117, 132,
 144, 153, 154, 185, 191, 218, 230, 231, 235,
 237, 239, 244, 254, 260, 262, 286, 290, 302,
 304, 322, 332, 360, 372, 382, 396, 414, 420,
 421, 430, 446, 449, 464, 465, 469, 472, 486,
 494, 500, 506.
 chosen Deputy Governor, 210, 265, 308, 350,
 407, 436, 475, 513
 chosen Assistant, 1, 27, 77, 131, 183
 commissioner for the United Colonies, 1, 27,
 77, 131, 183, 210, 350
 commissioner in reserve, 308, 407
 to hold the courts in Portsmouth and
 Wells, 187
 elected president of Maine, 309
 articles of agreement between Mary
 Munjoy and, confirmed, 395, 396
 and Samuel Nowell granted the Island
 of Chebiscoogo, in full satisfaction
 for public services, 441, 442
 Lieutenant, 86, 206
 Mr., 227
 Daniel, an Indian, 227, 228
 Daniel, Thomas, 125, 190
 appointed captain of a company in Ports-
 mouth, 21

- Daniel, Thomas, associate for Dover and Portsmouth, 88, 186, 226
 invested with magisterial power for Dover and Portsmouth, 101
 associate for Dover, 145
- Dare, John, 18
- Dartmouth, Lord, 422
- Dauson, George, 222, 272, 442
- Davenport, John, 178
 Captain Nathaniel, 69, 173
 Captain, deceased, auditors appointed for the estate of, 174
- David, Mary, 217
 Moses, an Indian, 216
- Davis, Abigail, allowed to erect a wooden lean-to in Boston, 506
 Benjamin, 147, 506
 Elizabeth, 173, 174
 Ephraim, 490
 James, Sen., appointed ensign at Gloucester, 307
 Mary, 490
 Samuel, 209
 sureties of, to pay the costs of hearing his case, 238
 Sylvanus, 286, 396, 426
 Thomas, 418
 William, 87, 90, 506
 deputy, 77
 appointed captain, 52
 accounts of, referred to the committee of the army, &c., 147
- Davison, George, 317
- Davy, Davie, Humphrey, 5, 6, 15—18, 20, 26, 27, 83, 94, 96, 100, 105, 120, 128, 129, 239, 244, 260, 269, 290, 298, 301, 302, 304, 322, 332, 351, 358, 359, 368, 372, 380, 393, 412, 421, 430, 443, 446, 449, 465, 469, 472, 486, 494, 500, 508, 514, 515.
 deputy, 2, 15, 42, 77, 99, 133, 184
 chosen Assistant, 210, 265, 308, 350, 407, 436, 475, 513
 commissioner in reserve, 210
 an executor of Governor Bellingham's will, 24
 commissioner to hold the Court in Devonshire, 30, 87
 captain at Boston, 32
 appointed captain of the "Three County Troop;" appointment declined by him, 17
- Davy, Humphrey, and another, order relating to the trustees of their estate, 182
 order on his petition relating to Boise's estate, 189
 appointed captain, 205
- Davy, Humphrey, mortgage deed of Swan Island from Christopher Lawson to, 400, 401
 additional deed of Swan Island from Christopher Lawson to, 402
 Swan Island confirmed to, 403
 Mr., 33, 340
- Deane, Thomas, member of the committee of war, 90
- Deare Island, 57
- Death, Goodman, 230
- Debts, law as to book debts extended as to time, 28
 book, law relating to, suspended for three years, 138
 law relating to, repealed, 212
 public, to be paid in course as they become due, 395
 to be paid in the towns where the creditors live, 453
- Declaration of the right and claim of the Governor and Company of the Massachusetts Bay in New England to the lands now in their possession, 108
- Dedham, 2, 37, 42, 43, 56, 77, 99, 101, 132, 145, 211, 260, 266, 294, 302, 309, 327, 395, 408, 420, 437, 446, 464, 476, 485, 514, 533, 535.
 bill of costs and fines referred to the County Court, 38
 order to run the line between Natick and, 485, 486
 number of jurymen from, 498
- Deeds of sale, &c., County Courts authorized to empower heirs, executors, &c., to make, 375
- Deerfield, 167, 170, 482
 a garrison to be established at, 171
 Connecticut requested to assist in keeping the garrison at, 171
 answer to inhabitants of, as to the rebuilding of, 209
 order for regulating the prudentials of, 321
 Court's order for promoting the resettlement of, &c., 360
- Deering, Henry, chosen ensign at Boston, 322
 See Dering.
- Dell, —, 204
- Deming, Nicholas, 18
- Denbo, William, 18
- Dennis, James, 250
 allowed to return to Massachusetts, 278
 See Creeke, Edward.
- Denison, Dennison, Denisson, Daniel, 14, 33, 34, 36, 43, 46, 57, 58, 70, 91, 98, 103, 117, 132, 137, 144, 154, 181, 182, 185, 191, 206, 239, 260, 290, 295, 302, 304, 322, 325, 332, 345, 372.

- Denison, Daniel, chosen Assistant, 1, 27, 77, 131, 183, 210, 308, 350
 commissioner in reserve, 1, 27, 210
 major general, 1, 27, 77, 183, 210, 265
 to dispose of the forces at Marlborough,
 raised for the Indian war, 75
 chosen Assistant and major general, 77, 183,
 265
 to hold the Courts in Norfolk, 88
 to repair to Portsmouth, and take the chief
 command of the forces there destined
 for the war at the eastward, 124
 powers delegated to, as commander-in-
 chief, 124
 island in Merrimac River granted to, . . 171
 plat of five hundred acres laid out to, ap-
 proved, 443
 Deputies referred to, 154
 delinquent, to attend in the General Court
 on peril of neglect, 492
 William Torrey elected clerk of, 438
 list of persons elected, 1, 2, 14, 15, 41—43, 77,
 78, 98, 99, 132, 133, 184, 210, 211, 260, 261,
 265, 266, 308, 309, 350, 351, 407, 408, 420,
 421, 437, 475, 476, 514.
 returned for a special session, 302, 303
 Deputy Governor to have a guard to protect
 his house during the Indian war, . . . 57
 freemen ordered to send in their votes for
 a new one, in place of Samuel Sym-
 onds, deceased, 195
 Deputy Governors, names of: Samuel Sym-
 onds, 1, 27, 77, 131, 183
 Simon Bradstreet, 209
 Thomas Danforth, 210, 265, 308, 350, 407, 436,
 475, 513
 Dering, Edward, 529
 Despaw, Dispaw, Henry, Sen., and Henry,
 Jun., new execution granted to, . . . 35
 Henry, Sen., petition of, referred to the
 council, 96, 97
 Henry, Jun., 35
 Devonshire County, act of commissioners es-
 tablishing, approved by the General
 Court, 16
 time of holding County Court fixed, . . 16
 Thomas Gardiner appointed Treasurer of, 18
 Richard Oliver appointed clerk of, . . 18
 constables of, sworn, 18
 inhabitants of, sworn to fidelity, . . . 18
 constables to publish the laws, 18
 list of sergeants and corporals appointed, 19
 Lieutenant Thomas Gardiner commander
 of all military forces, 19
 commissioners to hold Courts in, . . . 19
 clerks of the writs for, 19
 Devonshire County, Thomas Humphrey ap-
 pointed marshal of, 19
 tax of twenty pounds for county charges
 on inhabitants of, 20
 Commissioners' Court of, empowered to
 try and determine civil actions not ex-
 ceeding ten pounds, 23
 Court to be held by commissioners an-
 nually appointed, 30
 commissioners and associates for, . . . 30
 powers of commissioners and associates
 enumerated, 30
 Courts to be kept by commissioners an-
 nually appointed, 35
 commissioners appointed to hold the Courts
 in, 87
 garrison to be established in, 105
 Dewy, Thomas, appointed cornet of troop in
 Hampshire, 490
 Dickinson, John, 4
 Joseph, 89
 Phebe, empowered to convey real estate
 to certain persons, 89
 Dixie, Captain William, 311
 appointed captain at Beverly, 170
 Dodge, Dodg, Edward, 409
 Farmer, Sen., 410
 John, 149
 deputy, . . 78, 99, 184, 211, 260, 266, 303, 421
 John, Sen., cornet of Beverly and Wen-
 ham troop, 410
 William, 276, 336
 quartermaster of Beverly and Wenham
 troop, 410
 Dogget, Samuel, 250
 See Creeke, Edward.
 petition in behalf of, refused, 286
 Dolling, John, sworn as constable of Monhegin, 18
 sergeant for Monhegin, 19
 licensed as innkeeper for Monhegin, . . 20
 Dongan, Colonel Thomas, Governor General
 of New York, 461
 Dorchester, 2, 42, 43, 47, 55, 56, 77, 98, 132, 151,
 188, 210, 251, 260, 265, 268, 294, 297, 302,
 308, 359, 362, 365, 369, 394, 407, 420, 437,
 471, 476, 487, 514.
 number of jurymen from, 498
 two watchmen to guard powder mill at, . 51
 powder mill, workmen to be impressed for
 the watch house at, 64
 Dorr, Edward, 18
 Double voting, penalty of ten pounds for, . 291
 Douden, —, 186
 Downing, James, 381
 See Downing.
 Dover, 2, 5, 6, 42, 78, 99, 109, 132, 144, 171, 211, 218

- Dover, commissions withdrawn from persons
 living in, 263
 or Portsmouth, 87
 William Stoughton to keep the County
 Courts in, 87
 County Court, persons appointed associates
 for, 145
 and Portsmouth, county, . . . 156, 157, 187
 commissioners for, 30
 associates for, appointed, . . 31, 88, 186, 226
 force to be raised for the defence of, . 53
 nine special rates for war charges to be
 raised in, 76
 persons invested with magistral power
 for, 101
 and York, order to collect the arrears of
 rates in, 139
 Dow, Thomas, 314
 Downing, G., 530
 See Downing.
 Drake, Thomas, 404
 Drincker, Edward, 271
 Drury, Hugh, Lieutenant, 33
 Dry dock (at Charlestown) exempted from tax-
 ation for thirty years, and no other to
 be built during that time, 236
 Dublett, Tom, an Indian guide, 82
 Duchy, chancellor of the, 422
 Dudley, Joseph, 6, 14, 26, 34, 68, 80, 98, 100, 103,
 117, 130, 132, 144, 154, 177, 179, 181, 182,
 185, 191, 208, 216, 225, 231, 235, 237, 239,
 244, 250, 254, 260, 268, 270, 278, 281, 285,
 290, 298, 302—304, 313, 315—317, 322,
 329, 331, 332, 342, 354, 355, 360—362,
 365, 366, 369—371, 413, 414, 420, 421, 427,
 429, 430, 433, 449, 451, 480, 492, 494, 500,
 506, 508.
 deputy, 2, 14, 42, 43
 chosen Assistant, 77, 131, 183, 210, 265, 308,
 350, 407, 436, 475
 commissioner for the United Colonies, 131, 183,
 210, 265, 308
 commissioner in reserve, 436
 to assist in comparing records with copy, . 23
 of the committee for Mendon, 40
 captain at Roxbury, 151
 allowed five pounds for expense of keep-
 ing the courts, 171
 empowered to hold the courts at Dover,
 and in Yorkshire, &c., 238
 chosen sergeant major of Suffolk county, . 306
 messenger to the English court, 333
 granted one thousand acres of land, . . 343
 chosen an agent to England, 346
 allowed fifty pounds for public service, . 377
 commission as agent to England, . . . 386
 Dudley, Joseph, instructions to, as agent, &c., 389,
 390
 and others, township of land granted to,
 on conditions, 408
 time for settling their township extended
 three years from January, 1684-5, . . 467
 and William Stoughton, plat of eighteen
 hundred acres of land in the Nipmug
 country confirmed to, 488
 and Samuel Shrimpton, compensation of,
 for public service, voted, 490
 and others, royal commissioners for the
 government of the colony, Court's
 communication to, 515, 516
 Mr. [Joseph], 178, 352, 426
 Paul, collector for the ports of Boston and
 Charlestown, 242
 Mr., 57
 Mrs., to be paid fifty pounds, in her hus-
 band's absence on public service, . . 409
 Dudson, Joseph, and others, sentence of the
 Court against, 13
 Dummer, Dumer, Jeremiah, appointed to in-
 quire after gold and silver mines, . . 383
 Richard, 272, 336
 appointed lieutenant of a troop, . . 394
 captain of Newbury and Rowley troop, 432
 Mr., 381
 Dunstable, 295, 417
 Dutch, the, in Nova Francia, 116
 ambassador, letter of Governor Leverett to
 Sir Joseph Williamson, one of the
 English secretaries of state, respect-
 ing the complaints of the, 118
 war, the Treasurer's account relating to,
 audited, 128
 Dutch, Grace, widow, lands to be sold for her
 benefit, 494
 Osmond, 494, 495
 Robert, to be compensated for damage by
 fire, 73
 Dwight, Timothy, 274
 appointed cornet, 87
 lieutenant of a troop in Boston, . . . 418
 Dyer, Dyre, Thomas, 35
 deputy, 2, 14, 42, 43, 77, 98
 William, refused a hearing, 460
 commission of, as surveyor general of
 customs in America, 530
 attestation of his commission, &c., . . 530
 Dyke, Daniel, 207
 Eames, Thomas, 227, 228
 committee to report on the petition of, . 126
 granted two hundred acres of land, . . 147
 his exchange of lands with Natick Indians
 confirmed, 230

- Earle, Earl, John, 250
 See Creeke, Edward.
 Robert, 237
- Earthy, John, licensed as innkeeper for Corby Sound, 20
- Eaton, Alice, 446
 Nathaniel Sternes added to committee on petition of, 491
 John, 491
 committee to investigate the affairs of, . 446
 Theophilus, five hundred acres of land granted to the heirs of, 272
 grant of land confirmed to the children of, 412
 grant to the heirs of, confirmed and described, 417, 418
 Thomas, appointed eldest sergeant at Harvardhill, 325
- Eastern commissioners, return of their doings, 17
 names of, and copy of commission, . . 17
 commission of, publicly read at eastward, 18
- Eastern frontiers, fifty men to be sent for the protection of, 57
- Eastman, Philip, taxes of, remitted, . . . 114
- Ecclesiastical affairs, synod for revising the platform of 1647 called, 215
 Confession of Faith and Cambridge Platform to be printed, 287
 order advising renewal of church covenants, 470
- Edmunds, Robert, 18
 grand juror, 18
- Education, committee to report on the subject of, 237
- Edwards, David, 441
 William, 18
 Mr., 313
- Effingham, Francis Lord Howard, Baron of, 461
- Elders of the several towns requested to convene with the General Court for advice, 492
 conference of the Court with, 494
- Eldridge, Mr., 496
- Election sermon, committee to request for publication Rev. Mr. Torrey's, 412
 of Rev. John Hale requested for the press, 441
 of Rev. Michael Wigglesworth requested for the press, 514
- Elections, manner of proceeding in, prescribed, 261, 262
 oath to be taken by the person opening, sorting, and counting votes, 262
 time and manner of proceeding in, . . . 291
- Eliot, Elliot, Asaph, 506
 appointed ensign at Boston, 427
 Elizabeth, empowered to sell certain real estate, 146
- Eliot, Elliot, Jacob, 506
 appointed cornet, 52
 appointed lieutenant, 87
 John, 146, 217, 379
 answer to petition of, relating to Natick Indians, 10
 Cornet, 97
 Mr. [John], 486
 Mr., 37, 86, 228, 229, 275, 315, 328
- Elizabeth, Queen, 199
 an Indian woman, 216
- Ellis, Ellice, Edward, 122
 Richard, 229
 and another, petition of, granted, . . . 34
 Sergeant, 37, 56
- Elson, James, 274
- Emerson, Joseph, 40
 Mr., continued as schoolmaster at Newbury, and payment ordered for services, . . 299
- Emerson, Emmerson, Mrs., 246, 256
- Emery, James, deputy, 78, 99
 John, Sen., time for hearing his case appointed, 174
 Martha, 177
 time for hearing her case appointed, . . 176
 judgment of the General Court in her favor, 176
 copy of execution and return in favor of, 176
 her acceptance of the accounts of the executors of Andrew Shephard, . . 179
 Mrs., 178
- Emons, Obadiah, referred to the County Court for relief, 301
- Endicott, Endecot, John, 176—179
 Zerubbabel, 127, 357
 vs. Francis Nurse, court's judgment in the case, 429
 Mr., 204
 and another, time for hearing the case of, appointed, 340
 Governor, 238
 Mrs., 238
- Enfield, new township laid out and called, committee to manage affairs of, 410, 411
- England, laws of, bounded within the four seas, and do not reach America, 200
 twenty thousand pounds per annum, customs, paid in by shipping from New England, 202
- Enlistments, law regulating, 213
- Ephraim, Peter, an Indian, 227, 228, 354, 362, 364, 510, 531, 532, 533
- Epps, Daniel, 257—259, 276, 336, 340, 441
 deputy, 437, 514
 appointed captain at Ipswich, 394
 Daniel, Sen., 207

- Epps, Mr., 246, 256, 327
 See Wade, Jonathan.
 Mrs., 256
 Ernie, J., 529
 Errington, Abraham, 313
 Rebekah, (administratrix,) referred to the
 County Courts, 313
 Essex County, 54, 156, 236, 280, 295, 303, 321, 323,
 332, 380, 474
 soldiers to be raised in, 53
 Indian war tax, 55
 quotas for the Indian war, . . 73, 85, 91, 122
 associates for, 205, 226
 Salisbury, Haverhill, and Amesbury re-
 united to, 264
 persons unconcerned in Mason's claims
 in, to hold the Court there, . . . 398
 Court, 411, 427, 433, 479, 490, 491, 510, 515, 517
 Evens, John, 234, 445
 Evered, alias Webb, John, 442
 Exchequer, chancellor of the, 422
 Excise and customs, regulations respecting, . 214
 Execution, form of, 450
 Executions, order concerning the levying of, &c., 2
 directions as to making, levying, and re-
 cording, 28
 Executors and administrators authorized to
 make deeds of sale, 375
 Exeter, 6, 56, 187
 a frontier town, 79
 Captain John Gilman invested with magis-
 tratal power for, 226
 commissions withdrawn from persons liv-
 ing in, 263
 Expenditures, public, committee to examine
 the accounts of, 453
 Exports, law against export of provisions re-
 pealed, 194
 Eyres, Martha, to have her fence adjoining the
 prison ward repaired, 187
 Fairbank, Fairbancks, Jonathan, 535
 Mary, farm of, to appertain to Shelburne,
 &c., 415
 Fairefield, Walter, 336
 Faireweather, Fairweather, John, 418, 421, 441, 443,
 467, 493
 deputy, 437
 sentence of the Court against, 13
 a commissary, 85, 91
 and others, appointed surveyors for the port
 of Boston, 374
 Mr. [John], 464
 Falmouth, 395
 Farms and outlands, committee to prepare lists
 of, for the purpose of taxing, . . . 376
 Fast appointed, December 2, 1675, 69
 Fast appointed for the first Thursday in Decem-
 ber, 1676, 131
 day set apart for General Court to humble
 themselves, 192
 a general fast in connection with the other
 colonies appointed for November 21,
 1678, 196
 appointed for the second Thursday in July,
 1679, 221
 appointed for June 22, 1682, 371
 appointed for December 16, 1680, . . . 294
 day observed by the General Court in
 February, 1682-3, 382
 13th of February, 1682-3, to be kept by
 the Court as a day of humiliation, 383, 385
 appointed for May 10, 1683, 388
 day for sincere humiliation appointed, . . 388
 day of humiliation recommended to be
 observed, October 22, 1684, through-
 out New England, by the commission-
 ers for the United Colonies, Court's
 order thereon, 463
 March 12, 1684, set apart for solemn humil-
 iation, 465
 appointed for July 16, 1685, 484
 day of humiliation and prayer appointed,
 on account of small pox, &c., . . . 509
 Faulconbridge, Viscount, 422
 Fee simple, grants of land by the General
 Court or towns to be held in, . . 470, 471
 Feild, Mary, (widow,) allowed to sell real estate, 358
 Robert, 358
 Felton, Nathaniel, appointed ensign to the foot
 company of Salem, 233
 appointed lieutenant at Salem, . . . 317
 Lieutenant, 357
 Fences, gates, &c., order for the punishment
 of persons breaking down, 502
 Fires, Indians included in the law against set-
 ting, 230
 Fisher, Daniel, 6, 13, 26, 34, 37, 68, 100, 101, 121,
 126, 144, 181, 182, 185, 204, 229, 231, 235,
 237, 244, 268, 269, 274, 279, 358, 421.
 deputy, 2, 14, 42, 43, 77, 99, 132, 184, 211, 260,
 266, 302, 309, 351
 chosen speaker, 266, 309, 351
 chosen Assistant, 407
 authorized to perform the marriage rite
 and administer oaths in Dedham, . . 145
 Captain, . . . 23, 143, 325, 339, 340, 375, 432
 Joshua, 37, 361
 administrators on his estate empowered
 to make a deed of land, 37
 Fishermen, complained of by the governors of
 Canada and Acadie; Court's disap-
 proval of, 373

- Fishermen, order enforcing the engagements of, 212
- Fiske, Fisk, David, 443, 486
 appointed a land surveyor, 375
 John, appointed ensign at Chelmsford, . . . 419
 petition of, for license to keep a public house, 471
 deputy, 302
- Thomas, 208, 276, 336
 deputy, 211, 266, 421, 514
 captain at Wenham, 419
 William, ensign at Wenham, 419
 Mr. [David], of Cambridge, 485
- Fitch, Jeremiah, 177
 Martha, referred to the County Court, . . 343
- Fletcher, William, deceased, executrix of, empowered to make a deed of sale, . . 317
 Ensign, 86
- Flint, Flynt, Edward, allowed an abatement of one half his fine, 142
 Esther, (widow,) allowed to sell real estate, 487
 Hesther, empowered to grant deeds, &c., . 298
 Henry, 277, 297
- John, 142, 206, 358
 deputy, 132, 210, 260, 266, 351
 invested with magistral power, . . . 205
 Lieutenant, 142
 appointed a land surveyor, 375
- Josiah, 277, 297, 299
 Margery, 297, 443
 (executrix,) empowered to make a sale, &c., 274
 and another, petition of, granted, . . 277
 on her petition, the exchange of certain lands to be ratified, 297
 empowered to make a legal conveyance, &c., 297
 her petition relating to a lease granted, . 325
- Flood, Lieutenant, 84
- Floyd, John, 35
- Foote, John, 401
- Fort on the great island in Piscataqua River, Elias Styleman appointed captain of, 73
- Fort Hill, 122
- Fort Loyal, one barrel of powder ordered for, . 451
- Fort Meadow, 216
- Fortifications at Salem to be repaired, . . 249
 at Salem and Charlestown, order for repairing, 352
 committee's report on the battery at Charlestown, and order thereon, 249, 250
- Fosdicke, John, 250
- Foster, Hopestill, 38
 deputy, 2, 14, 42, 43, 77
 appointed ensign, 127
- Foster, John, 323, 452
 Mehitable, (executrix,) sale of lands by, confirmed, &c., 412
 Samuel, allowed to lay down his military commission, 275
 deputy, 261
 Sarah, widow, allowed to sell real estate, 298
 Thomas, 298
 William, 480, 498
 Captain, 25, 148
 of the committee for Mendon, 40
- Four Miles Brook, 482
- Fowler, Foulter, Philip, 146
 Richard, 45
 See Roads, John.
 pardoned, 54
- Fox, Stephen, 529
 Thomas, deputy, 420
- Foxcraft, Francis, appointed ensign, . . . 419
- Foxwell, Foxell, Richard, and another, report of committee respecting their title to certain lands accepted, and order of the General Court thereon, . . . 10—12
 Mr., 102
- Foy, Mr. John, 267
 Mr., 382, 391, 497
- Framingham, 56
- Francis, John, granted one hundred acres of land, 255
- Franke, Fort, 445
- Frary, Lieutenant Theophilus, 33
 Captain Theophilus, 415
 See Waldron, Priscilla.
- Lieutenant, 426, 427
- Freeman, Peter, an Indian, rewarded for services as a guide; order to take steps to recover his daughter from slavery, 477
- Freemen, law relating to, repealed, . . . 385
- French, abettors of the Indians at the eastward, 123, 141
- French, Stephen, deputy, 351
- Freshwater Brook, 410
- Frontier towns, scouting parties to defend the, 79
 list of towns accounted, 79
 chief officer to send aid from one to another, 79
 citizens liable to military duty not to leave, 81
- Frontinac, Earl of, governor of Canada, . . 373
- Frost, Charles, deputy, 2
 Captain, 37, 134
- Fry, John, Sen., 346
- Fryer, Nathaniel, 125
- Fugitives from war to be provided for from the public treasury, 64
- Fuller, John, 170, 246, 446
 See Ong, Jacob.

- Fuller, John, deputy, 2, 42, 43, 77, 98, 132, 184, 260
 Ruth, 442
 Thomas, 191, 252
 deputy, 260, 514
 ensign, 56
 on the committee for Wrentham, . . . 148
 and others, committee to run their line,
 &c., 175
 Thomas, Sen., 191
 John, 86
 William and wife, petition of, refused, . 442
 Ensign, 34
 Sergeant, 191
 Furs, see Raccoon.
 Gale, Ambrose, 169
 commissioner for small causes at Marble-
 head, 148
 and others, letter to be written to govern-
 ment of Plymouth in favor of, . . . 170
 See Plymouth colony.
 surveyor at Marblehead, 374
 Abraham, allowed to sell real estate, . . 319
 Richard, 319
 Gammon, Gamon, Robert, sworn as constable
 of Capenawaghen, 18
 sergeant for Capenawaghen, &c., . . . 19
 commissioner to hold Courts in Devonshire, 19
 clerk of the writs in Capenawaghen, . . 19
 associate for Devonshire, 30
 Gardner, Gardiner, Andrew, appointed ensign
 at Boston, 506
 Captain Joseph, 33, 69
 appointed captain of first company in
 Salem, 22
 Peter, 367
 messenger to the Indians, 93
 Samuel, 149
 deputy, 308, 350
 Samuel, Jun., temporary ensign at Salem, 205
 Lieutenant Thomas, . 5, 16—18, 20, 328, 332
 appointed Treasurer of the county of
 Devon, 18
 appointed commander of all military
 forces in Devonshire, 19
 commissioner to hold Courts in Devon-
 shire, 19, 30
 associate for Devonshire, 30
 licensed as innkeeper to his fishermen,
 &c., 20
 lieutenant of Salem troop, 419
 released from a rate of two pounds, . . 507
 Captain, 73
 Mr., 276
 Gascoine, —, 439
 Gatcliffe, alias White, Mary, referred to the
 Court of Assistants, 255
 Gary, William, deputy, 42, 43
 Gedney, Gidney, Bartholomew, 286, 289, 290, 302,
 304, 324, 332, 372, 382, 414, 420, 421, 430
 deputy, 184
 chosen Assistant, 265, 308, 350, 407
 appointed ensign, 127
 lieutenant at Salem, 204
 appointed captain, 419
 Gee, Peter, 140
 George, Goodwife, 178
 Gernsey, Henry, 379
 Gerrish, Benjamin, 337
 appointed naval officer at Salem, . . . 438
 William, 149
 Gibbs, Captain Benjamin, and troops, where to
 be quartered, and how supplied, . . . 76
 Giffard, Gifford, John, and partners, new execu-
 tion against, granted, 35
 (prisoner,) time for hearing case of, ap-
 pointed, &c., 209
 vs. John Wright, judgment of the General
 Court in the case, 225
 petition of, refused, 279
 and others, judgment of the County Court
 in case of, confirmed, 327, 331
 allowed to review his case in Court, . . 397
 to have a hearing at the next Essex County
 Court, 427
 released from prison temporarily, . . . 433
 granted a hearing at the next session, . . 452
 to be released from prison on certain con-
 ditions, 455
 Gilbert, Jonathan, allowed eight pounds seven
 shillings sixpence for diet of a wound-
 ed soldier, 282
 allowed twenty-one pounds for keeping
 a wounded soldier, 358
 Giles, Eli, 343
 See Cole, Abraham.
 James, 105
 Gillam, Lieutenant Benjamin, 75
 Gilman, John, associate for Norfolk, . . 187, 226
 invested with magistral power, . . . 187, 226
 Gingen, John, 18
 Gittings, Gettings, George, deputy, . . . 42, 43
 Glass, Richard, 18
 Gleason, Gleson, Matthew, 89
 Gloucester, 56, 99, 261, 266, 268, 295, 303, 307, 309,
 408, 421, 437, 476, 494, 514
 number of public houses, &c., in, estab-
 lished, 305
 address of the inhabitants of, to the king, 334,
 336
 annexed to the port of Salem, 383
 Glover, Habakkuk, and others, vs. William
 Rawson, plaintiffs against, . . . 104, 121

- Glover, John, 104, 121
 John, Sen., 105
 Nathaniel, 105
 Pelatiah, 104, 121, 328
 petition of, not granted, 175
 Stephen, 494
 God's judgments, preamble rehearsing, 59
 Godolphin, S., 529
 Goffe and Whalley, Messrs., 200
 Gold, see Mines.
 Gold, John, appointed lieutenant at Topsfield, 394
 Goodall, Joseph, 264
 See Ricks, John.
 Sarah, 264
 Goodenow, Goodenough, Edmund, Captain, 15, 45
 deputy, 2, 15, 260, 266, 302
 appointed captain of a company at Sud-
 bury, 6
 Captain, 126
 Goodhue, William, 336
 deputy, 77, 98, 132, 266, 302, 308, 407, 420
 William, Jun., appointed ensign at Che-
 bacco, 394
 Goodin, Sergeant, appointed ensign at Reading, 452
 Goodman, Richard, and John Dickenson, action
 of the General Court relating to peti-
 tion of, 4
 Gookin, Gookins, Googins, Daniel, 14, 43, 46, 58, 70,
 126, 132, 154, 185, 191, 216, 218, 239, 250,
 260, 290, 295, 302, 304, 307, 322, 323, 332,
 365, 371, 372, 382, 413, 414, 420, 421, 430,
 446, 449, 460, 463—465, 469, 472, 486, 494,
 500, 501, 508.
 chosen Assistant, 1, 27, 131, 183, 210, 265, 308,
 350, 407, 436, 475, 513
 major general, 308, 350, 407, 436, 475, 513
 and others, decision of the General Court
 respecting the controversy between
 Ephraim Curtis and, 10
 appointed sergeant major of Middlesex
 regiment, 83
 Indian deed of land to, confirmed by the
 General Court, 216, 217
 Daniel, Sen., 228—230, 533
 Nathaniel, 228
 Samuel, 355, 356, 364, 445
 Indian grant of water privileges to, ap-
 proved and confirmed, 352—354
 and Samuel How, deed of land from
 Natick Indians to, approved and con-
 firmed, 354—356, 361
 Captain, 37, 39, 53
 Major, 85—87, 91, 137, 151, 227—229, 275, 296,
 315, 378, 409
 Gore, John, 367, 488
 appointed a surveyor of land, 418
 Gorges, Gorge, Sir Ferdinando, 112, 113, 286, 349,
 399
 and Mason, question propounded to the
 clergy, relating to the controversy
 with, and their answer, 99, 100
 committee to prepare an answer to the
 king's letter relating to the complaints
 of, 100
 commissioners to examine witnesses,
 &c., for defence against, 100
 address of Governor and Court to the
 king, relating to the claims of, 106—108
 declaration of the territorial rights of
 the Governor and Company of Mas-
 sachusetts Bay against the claims
 of, 108—113
 instructions to the agents sent to Eng-
 land to defend the charter against, 113
 instructions to the agents to England to
 defend against the claims of, 115, 116
 letter from the General Court to Henry
 Coventry, one of the secretaries of
 state, respecting the claims of, 118
 letter from the General Court to Sir
 Joseph Williamson, secretary of state,
 respecting the claims of, &c., 119
 committee to prepare the writings relat-
 ing to the claims of, 120
 Thomas, grant of land from, referred to, 11
 Mr., 109, 158, 159, 164, 197, 263, 288
 Gott, Charles, 208
 lieutenant at Wenham, 419
 Goulding, Peter, sentenced for an attack on
 Suffolk County Court, 330
 acknowledgment of; fine remitted, 359
 Government of Massachusetts, committee to
 inquire concerning alleged reproaches
 against, 185
 reply of General Court to the royal com-
 missioners for, 515, 516
 Governor, takes the oath required by the king,
 by order of the General Court, 262
 and Company of Massachusetts Bay, dec-
 laration of their territorial rights,
 against the claims of Gorges and
 Mason, 108—113
 address of, to his majesty, 197, 198
 letter from, to Sir Lionel Jenkins, 311—313
 address from, to the king, 333, 334
 deed of the Nipmug country to, 369—371
 attorney appointed to receive and dis-
 pose of lands, &c., in Maine, belong-
 ing to, 399
 writ of *quo warranto* served upon, &c., 421
 the king's declaration relating to the *quo*
warranto against, 423

Governor and Company of Massachusetts Bay,
 letter of attorney to Robert Humfreys from, 423,
 424
 letters of instruction to Robert Humfreys
 from, 424, 425
 letters to Robert Humfreys from, . . 430, 431,
 439—441, 451, 458, 459, 468
 letter to the Governor of New Hampshire
 from, 444
 petition and address to his majesty from, 456
 —458
 address to his majesty from, . . . 466, 467
 form of a deed conveying a grant of land
 from, 473
 discharge of James Russell's account as
 Treasurer by, 492, 493
 address to his majesty from, . . . 495, 496
 and magistrates, salaries of, to be as in the
 previous year, 454
 of Massachusetts: John Leverett, 1, 27, 77,
 131, 183
 Simon Bradstreet, 210, 265, 308, 350, 407,
 436, 475, 513
 of New York, answer of the General
 Court to, relating to the fugitives from
 the eastern Indians, 123
 Governor's Island, 398
 See Winthrop, Adam.
 Grafton, Joseph, 21, 275
 Grain, to be removed into the garrisons for
 security, 66
 Grant, Peter, 45, 66
 Graves, Isaac, 482
 Thomas, 144, 185
 deputy, 77, 98, 132, 184
 Mr., 84
 to have a hearing on his claim to a seat
 in the General Court, 45
 Gray, William, deputy, 42, 43
 Grayham, —, 488, 489
 Great Island, Court's answer to the petition
 from, to be made a town, 231
 inhabitants to manage their own affairs, . 245
 Great Jacob, an Indian, 364
 Great James, an Indian, 353
 Green, Greene, Jacob, deputy, 132, 184
 John, 192, 474
 town book of Marlborough in the hand-
 writing of, 8
 chosen marshal general, 322
 William, appointed cornet of the Three
 County Troop, 151
 Greenlefe, Enoch, appointed lieutenant, . . 33
 referred to the committee for wounded men, 278
 Stephen, appointed lieutenant at Rowley, 483
 deputy, 77, 98, 514
 VOL. V. 72

Griffyn, John, ferryman at Haverhill, exempted
 from watch duty, 73
 Griggs, John, answer to his petition, . . . 315
 Griggs, Grigg, Joseph, deputy, . . . 265, 302, 420
 William, allowed to sell real estate, . . 274
 Gross, Grosse, Clement, action of the General
 Court on his petition, 150
 allowed to sell his lands, 247
 petition of, relating to sale of property
 granted, 273
 freed from imprisonment, 417
 Thomas, 150
 Groton, 56, 82, 295, 421
 non-resident landholders of, to pay minis-
 ters' rates for five years, &c., . . . 236, 237
 Grout, John, 464
 permitted to lay out eighty acres of land, 486
 John, Sen., allowed to purchase land of
 the inhabitants of Natick, 298
 Guards and garrison soldiers, law respecting,
 to be enforced, 71
 Guernsey, 439
 Gurnell, John, 359
 Hadley, . . 2, 42, 56, 66, 78, 84, 92, 97, 99, 116, 133,
 148, 162, 189, 207, 211, 233, 236, 266, 279,
 309, 321, 341, 394, 408, 411, 421, 437, 444,
 475, 514.
 plantation, representation of the committee
 for, order of Court thereon, 9
 order for reducing and paying the garri-
 son of, 90, 91
 taxes abated, on account of losses by the
 Indians, 125
 Samuel Smith authorized to solemnize
 marriage, &c., in, 149
 allowance to the ferryman at, 171
 military officers at, 189
 landmark for, 324
 four miles square added to, 410
 Hadlock's bridge, 357
 Haisy, William, appointed lieutenant of troop, 6
 Hale, John, 336
 Rev. John, his election sermon requested
 for the press, 441
 Hall, John, chosen Assistant, 308, 350, 407
 and others, to hold a court in Essex, . . 398
 Richard, appointed lieutenant at Dorches-
 ter, 394
 Halsall, William, deputy, 261
 Halsey Wharf, in Boston, 24
 Hambleton, William, 403
 Hammond, Hamond, Lawrence, 57, 83, 94, 96, 105,
 106, 222, 231, 237, 254, 272, 307, 421
 deputy, 41, 43, 77, 98, 210, 308
 captain at Charlestown, 307
 Nathaniel, 252

- Hammond, Elizabeth, empowered to pass deeds, 252
 Thomas, 252
 Captain, 120, 296, 307, 316, 409
 Hampshire county, 156, 157, 236, 238, 277, 291, 375, 490
 associates for, appointed, 31, 87, 145, 187, 226, 279, 317, 356, 485
 war charges to be the same as in other counties, 125
 committee of war to report on the accounts of, to the council, 148
 houses in the towns of, to be located more closely together; committee to superintend the affair, 170
 troop, officers of, 207
 to be paid two thirds of its due for disbursements, 324
 persons elected associates for, 443
 Court, 361, 411
 return from, &c., 4
 Hampton, 2, 6, 42, 56, 75, 77, 88, 99, 110, 132, 145, 187, 211, 245, 252
 Samuel Dalton invested with magistrate's power for, 226
 commissions withdrawn from persons living in, 263
 Hancoke, Nathaniel, 398
 Hankedew, an Indian sachem, 461
 Hanniford, Abigail, referred to County Court for power to make a deed, 204
 Hanwell, Ambrose, grand juror, 18
 Harding, Josiah, 216
 Robert, 381
 Hardy, John, Sen., surveyor at Salem, 374
 Harls, Thomas, 18
 Harrison, John, hearing granted to, 92
 vs. Richard Wooddey, judgment of the General Court in the case, 121, 122
 decision of the General Court in favor of, vs. Richard Woodey, 121, 122
 William, 442
 Hart, Joan, granted five hundred acres of land as heir of Edward Rossiter, 483
 Harte, Elisha, leave to sell the land of, granted, 35
 Hartford, 96, 317, 358, 377, 455, 463
 Court, 360
 Harvard College, 57, 443, 451, 459, 493
 order of Court requiring president, fellows, graduates, and students to appear before the Court and testify respecting the condition of, 20
 all salaried officers to be dismissed; the president retained conditionally, 20
 gratuity continued to Ex-President Hoare, 31
 Urian Oakes confirmed as president of; salary of the president stated, 31
 Harvard College, selectmen of towns to enforce the payment of subscriptions to, &c., 32
 officers of, not to be exempted from the Indian war tax, 63
 letter of the General Court to the towns respecting their subscriptions to, 143
 letter to Ipswich, &c., urging subscriptions for, 143, 144
 committee on the accounts for the new building, 156
 collection of subscriptions for, to be enforced, 195
 order for enforcing the collection of subscriptions to, 255
 committee to receive subscriptions to, 255
 Rev. Urian Oakes allowed fifty pounds additional as president of, 263
 order enforcing subscriptions to, from delinquent towns, 268
 salary of one hundred and fifty pounds per annum continued to the president of, 324
 allowance to Samuel Torrey as president of, 345
 one hundred and fifty pounds allowed to John Rogers as president of; fifty pounds allowed to Samuel Andrews and John Cotton, for acting as presidents *pro tem.* of, 352
 committee to examine the accounts of, &c., 359
 committee's report respecting the accounts of, &c., approved, 380
 grant of Merrykoneag Neck and one thousand acres of land to, 397
 president to be paid once a quarter, 445
 committee to collect subscriptions to, 445, 446
 one hundred pounds, part of president's salary, paid to the corporation of, 479
 Harvey, —, 488
 Hascoll, Hascall, Haskall, John, deputy, 408
 William, 336, 494
 appointed lieutenant at Gloucester, 307
 deputy, 309, 351, 408, 476
 See Haskett.
 Haskett, Hasket, Stephen, sentenced for slandering Captain George Corwin, &c., 68
 his fine abated, 69
 dismissed from service at his request, 53
 Lieutenant William, 494
 See Hascoll.
 Hassanemesit, Hassanamesit, 97, 136, 165
 recruit of soldiers for, 69
 men, 329
 Hatfield, 22, 56, 162, 166, 167, 175, 239
 Governor authorized to take measures to recover the captives taken at, 168

- Hatfield, six soldiers to be sent for the defence of, 171
 rates of certain inhabitants of, to be res-
 pited, 182
 firearms to be loaned for, 183
 a garrison to be provided for, 183
 account for dieting garrison soldiers to be
 paid, 239
 released from payment of fifteen pounds, . . 298
- Hathorne, Haughthorne, Hauthorne, Hawthorn,
 John, 446, 449, 465, 469, 472, 494, 500, 506,
 508
 deputy, 407
 chosen Assistant, 437, 475, 513
 captain at Beverly, 151
 William, 14, 15, 21, 26, 45, 46, 58, 70, 98, 103,
 117, 132, 154, 185, 192, 232, 239, 445
 chosen Assistant, . . 1, 27, 77, 131, 183, 210
 surveyor's return of a grant of land to,
 &c., 104
 to hold the Courts in Norfolk county, . . 187
 Sarah, (widow,) allowed five pounds ar-
 rears due her husband, 232
 Captain, 124
- Hauford, 178
- Haugh, Ann, 416
 See Willis, Edward.
- Hannah, 250
 Samuel, 416
 deceased, committee to settle the estate
 of, 250
 committee's report on the debts, &c., of, 278
 order thereon, 278
- Houghton, Ralph, to be paid for his disburse-
 ments, 104
- Haukes, John, referred to the council, . . . 238
- Haverhill, 2, 42, 56, 73, 78, 79, 133, 145, 187, 211,
 245, 266, 268, 295, 302, 309, 325, 331, 408,
 418, 419, 421, 437, 438, 476, 490, 491, 514.
 constable to collect certain rates, . . . 33
 bounds of, laid out and confirmed, . . . 40
 a frontier town, 79
 reunited to Essex county, 264
- Haward, John, appointed ensign, 279
 See Hayward.
- Hawkins, Anna, 411, 412, 416, 442, 460
 Hannah, 432
 Rebekah, answer of the General Court to
 the petition of, 8
 petition of, referred to County Court, . 207
 allowed eleven pounds, 283
- Thomas, *vs.* Sampson Sheafe, decision of
 the General Court in the case, 153
- William, 378
 and Anna, granted a hearing at the ses-
 sion in October, 1683, 411, 412
- Hawkins, William, and Anna, decision in the
 case of, postponed, 416
 and another, *vs.* Robert Burnap and an-
 other, time for hearing their case, . . . 432
 and wife, *vs.* Robert Burnap and others,
 committee of inquiry into the case, 444, 445
 allowed five pounds for care of a jurymen,
 &c., 452
 and wife, decrees of the General Court in
 their favor, 460
 William, an Indian, to be sent away for
 firing haystacks at Chelmsford, . . . 58
- Hawley, Hauley, Joseph, 483
 deputy, 408, 476
 appointed a land surveyor, 375
 appointed lieutenant at Northampton, . . 504
- Haynes, Heynes, Heines, John, 341, 417, 464, 486,
 515
 deputy, 408, 420, 437
 Sergeant Josiah, 45
 Deacon, 86
- Hayward, John, 178
 appointed postmaster at Boston, 147
 continued in the office of postmaster at
 Boston, 273
 appointed ensign, 283
 appointed lieutenant, 311
 Nathaniel, 409
 See Haward.
- Heale, Nicholas, 18
- Healey, Healy, William, 232
 prison keeper, 82
 allowed fees and charges in the case of
 John Earl, 252
- Heath, Bartholomew, referred to the County
 Court, 316
 Richard, 250
 See Creeke, Edward.
- Thomas, 177
- Heires, Peter, deputy, 476
 See Ayres.
- Henchman, Hinchman, Hincksman, Captain
 Daniel, 297, 413, 419, 427, 428, 460
 captain at Boston, 33
 Captain John, deputy, 421
 Lieutenant Thomas, 114, 295, 501
 deputy, 78, 99
 allowed ten pounds for extra service, . . 54
 garrison in his house, how to be pro-
 visioned, 54
 appointed captain, 142
 order for augmenting the troops of, by
 adding those of Captain Prentice, . . 142
 his claim of eighty-three pounds ten
 shillings to be paid in land, and com-
 mittee appointed to set it off, 206

- Henchman, Thomas, to be paid eighty-three pounds, ten shillings, eight pence, unless, &c., 278
- Captain, 69, 84, 87, 90, 92, 93, 500
- entry relating to a letter from the General Court to, 69
- and company, committee of war to furnish necessities to, 69
- Lieutenant, 86, 105
- Mr., 10
- Hendricke, Daniel, deputy, 309
- Hensdale, Hendsdall, Samuel, 356
- See Hinsdale, Samuel.
- Heyman, John, 180, 230
- referred to the law for satisfaction, 274
- Hide, Hannah, 358
- Higginson, John, Ensign, 33
- committee on the petition of, 34
- to be commissioned, 73
- lieutenant at Salem, 151
- John, Jun., captain of Salem troop, 419
- Rev. John, Sen., 494
- Rev. Mr., 67
- Higgs, —, 178
- Highways, order for laying out a new road to Connecticut, and for payment of Indian guides, 394
- Hill, Isaac, and wife, referred to the County Court, 275
- James, appointed ensign at Boston, 311
- appointed captain, 432
- John, 336
- Ralph, ensign at Billerica, 419
- Richard, 18
- Sarah, 275
- Hills, Joseph, 272
- exempted from taxes, on account of blindness, 377
- Hilman, Thomas, 18
- Hilton, Catharine, petition of, in behalf of Nicholas Shapleigh, answered, 7
- Edward, 11
- Hinckley, Thomas, 371
- Hingham, 2, 10, 42, 43, 56, 77, 98, 132, 210, 260, 266, 268, 294, 301, 302, 309, 315, 394, 408, 420, 437, 476, 487, 511.
- taxes abated, on account of losses by the Indians, 124
- order for enlisting troops in, 232
- Weymouth, and Hull, troop to be organized in, 254
- persons appointed officers of the troop in, 281
- Daniel Cushin empowered to marry persons in, 377
- proceedings of the military foot company at, disapproved, 380
- Hingham, number of public houses in, established, 305
- number of jurymen from, 498
- Hinsdale, Samuel, 142
- See Hensdale.
- Hippocras, Hyppocras, 19, 20
- History of New England, by Rev. William Hubbard, to be perused, 279
- Hitchcoke, Luke, allowed ten pounds, 236
- Hoare, Daniel, sentence of death remitted, &c., 117
- John, 82
- two hundred acres of land granted to the wife and children of, 359
- William, 222, 272, 317
- Dr., resignation of, as president of Harvard College, 31
- Hobart, see Hubbard.
- Hobson, Elizabeth, referred to the County Court for relief, 515
- Hoggeridge, Abel, 18
- Holbrook, Holdbrooke, Holbrooke, Holbooke, Hollbrooke, Captain John, 35, 204, 223, 313, 492, 499, 511
- deputy, 266, 302, 309, 420, 476, 514
- Elizabeth, (administratrix,) authorized to execute a deed to James Blake, 223
- Thomas, 17, 443
- Captain, 480
- Holland, John, 343
- Hollet, Philip, 38
- Holloway, Hollowell, Holowell, Benjamin, 222, 251, 296, 332, 356, 416
- Mary, 356, 416
- William, 251, 332, 340, 416, 507, 512
- See Butler, Stephen.
- and others, referred to a Court of law for redress, 222
- and others, case of, heard, not decided, 297
- William, Sen., 356, 416
- Holton, Joseph, 325, 357
- See Allin, James.
- Holyoke, Hollyoke, Holioke, Holliokey, Elizur, 13, 22
- deputy, 2, 42, 43
- associate for Hampshire, 31
- John, 444
- associate for Hampshire, 226
- Captain, 35
- Homes, John, 204
- Nathaniel, petition of, relating to a deed of sale, granted, 204
- Obadiah, 204
- Hooke, Francis, 226
- See Waldron, Major Richard.
- invested with magisterial power, 205, 226
- appointed the General Court's attorney in Maine, 399

- Hopkins, Mr., 455
- Hopkinson, John, 497, 498
- Horse hire, price of, in the country's service, . . 79
- Horses to be impressed, 91
- left on expense to the colony, and not
 claimed, to be sold, 103
- valuation of, fixed, for the purpose of tax-
 ation, 138
- Houletts, John, 175
- See Perkins, Edmund.
- Houghton, Haughton, John, to be paid five
 pounds for his ox, 122
- Ralph, 341
- Houlden, Randall, 192
- Hoult's Rocks, 40
- House Island, 396
- How, Abraham, 253
- John, 379, 415
- petition referred to October session, 1683, 410
- John, Sen., 36
- Samuel, 355, 361
- See Gookin, Samuel.
- Howard, Alice, empowered to dispose of her
 estate, 34
- William, 34
- Hownaheataumen, John, an
 Indian, 368
- Hubbard, Hubard, Hobart, John, 215, 328
- allowed ten pounds for wounded men, . . . 232
- committee to audit and discharge the ac-
 counts of, 467
- [Hobart], Joshua, 15, 35, 51, 254, 315
- deputy, 2, 14, 42, 43, 210, 260, 309
- order to deliver two carbines to, . . . 70
- [Hobart], Joshua, Sen., ordered to enlist
 troops in Hingham, &c., 232
- Nehemiah, 146
- Richard, 208, 224, 359
- Sarah, answer to her petition, 359
- William, 336, 345
- his compilation of a History of New Eng-
 land to be perused by the Governor
 and others, 279
- allowed fifty pounds for his History of
 New England, 378
- to be paid for his History as soon as pos-
 sible, 394
- Captain, 10, 52, 69
- Hubbard's History of New England, committee
 appointed to peruse and report on, . . . 279
- Hudson, Abigail, 172
- Francis, 51
- Mary, 207
- James, time for hearing his case appointed, 183
- vs. James Brayden and others, judgment
 of General Court in the case, . . . 183
- Hudson, James, and another, petition of, in rela-
 tion to land on Long Island granted, . . 207
- Samuel, and another, petition for removal
 of entail denied, 172
- William, 32, 33, 306
- See Hutson.
- Hues, Joshua, 442
- Hukely, William, 105, 121
- Hull, 36, 56, 266, 268, 294, 314
- tax of, remitted, in consideration of erect-
 ing a beacon, 7
- order for enlisting troops, 232
- &c., troop to be organized in, 254
- Hull, Captain John, 129, 250, 278, 290, 297, 302, 304,
 317, 322, 332, 341, 351, 352, 372, 377, 382,
 393, 412, 421, 427. ~~2~~
- deputy, 2, 98, 260
- chosen Assistant, 265, 308, 350, 407
- chosen Treasurer, 78, 131, 184, 210
- captain at Boston, 32, 33
- mint master, 43, 44
- to purchase fifty firearms, 87
- (deceased,) committee's report on his ac-
 counts as Treasurer, 428, 429
- country's seal to be affixed to the discharge
 of his accounts, 430
- discharge of his accounts as Treasurer
 from the Governor and Company to
 the administrators of, 433, 434
- Judith, 430, 433
- and another, (administrators,) memorial
 of, relating to the accounts of John
 Hull, (deceased,) as Treasurer, com-
 mittee thereon, 427
- and another, committee's report on me-
 morial of, 428, 429
- Hulle, Mr., 340
- Humphreys, Humphrys, Humphryes, Hum-
 freys, Robert, letter of attorney to,
 from Governor and Company of Mas-
 sachusetts Bay, 423, 424
- letter of instructions to, 424, 425
- letter from the General Court to, . . . 430, 431
- letters from the Governor and Company
 to, 439—441, 451, 458, 459, 468
- council authorized to furnish more money
 to, 441
- record of letter sent to, 496
- Treasurer to provide for the payment of, . 496
- to have five pounds, to buy a beaver hat, . 496
- address to the king and a letter to be sent
 to, 505
- committee to prepare a letter to, &c., . . 505
- Thomas, sworn as constable of Saggede-
 hock and Kennebeck, 18
- sergeant for Saggedehock, 19

- Humphreys, Thomas, clerk of the writs for Saggadehock and Kennebeck, . . . 19
 marshal for Devonshire, . . . 19
 Mr., . . . 464, 469
- Hunt, Ephraim, Jun., appointed ensign at Weymouth, . . . 306
- Hunte, Jonathan, . . . 481
- Hunter, John, an Indian, . . . 57
 See Nahauton, William.
- Hunting, Captain Samuel, . . . 85, 91
 and company, to form a garrison at Pautucket, . . . 87
- Hurd, Benjamin, . . . 255
 Elizabeth, . . . 255
 Jacob, and another, administrators, empowered to sell real estate, . . . 255
- Husbandry, selectmen of towns authorized to impress men to carry on the farms of absent soldiers, . . . 78
- Huswives Sound, . . . 403
- Hutchins, Frances, authorized to act in Court for her husband, . . . 491
 John, . . . 491
- Hutchinson, Hutcheson, Edward, . . . 6
 deputy, . . . 407
 on petition, granted three hundred acres of land, . . . 7
 on petition, allowed to resign his captain's commission, . . . 17
- Elisha, 38, 268, 275, 296, 301, 311, 341, 351, 375, 378, 393, 394, 416, 418, 421, 427, 429, 433, 435, 436, 445, 449, 463, 465, 467, 469, 472, 498, 500, 501, 506, 508, 511.
 deputy, . . . 265, 302, 308, 351, 420
 chosen Assistant, . . . 437, 475, 513
 Ensign, . . . 25
 Lieutenant, . . . 33
 appointed captain, . . . 279
 appointed a land surveyor, . . . 374
 Captain [Elisha], 289, 297, 303, 317, 339, 340
- Hutson, John, . . . 358
 Mary, widow, allowed to sell or mortgage real estate, . . . 358
 See Hudson.
- Hutton, John, . . . 268
 allowed three pounds, . . . 317
- Idlers, order for proceeding against, . . . 373
- Imports, law against importation of wheat, flour, and biscuit suspended, . . . 65
 duty on wines, brandy, and rum to be doubled, . . . 138
- Impost laws to remain in force for a time fixed, . . . 414
 to continue in force, . . . 438
 to be in force one year, . . . 476
- Imposts, addition to the law respecting, . . . 502
- Inan, Patrick, (wounded stranger,) allowed six pounds for relief, . . . 491
- Indian sachems, letter from the General Court to the, . . . 93
 instructions to the messengers sent to the, . . . 93, 94
- Indian captives, to be disposed of by the council, . . . 115
- Indian war, letter from the General Court to the council at Hartford, giving an account of successes in, &c., . . . 96, 97
 at the eastward, forces to be sent to Kennebeck, &c., . . . 122, 123
 eastern men from deserted places to be impressed, . . . 123
 one hundred and fifty men, and provisions, to be sent to Captain Hawthorne, in Yorkshire, . . . 123, 124
 Major General Dennison charged with the management of the, . . . 124
 General Dennison to repair to Portsmouth, and take the command there, . . . 124
 vessels to be impressed, to serve as transports, . . . 125
 letter to the Governor of Plymouth, asking aid for, . . . 125, 126
 requisition to be made on confederates for their quotas of troops, . . . 138
 six rates to be levied for carrying on the, . . . 138
 letter to Connecticut government, calling for their quota of troops, . . . 140, 141
 letter to Plymouth, calling for their quota of troops, . . . 141, 142
 See Blackpoint, and Scottow, Captain Joshua.
- Indians, repeal of the law authorizing the sale of arms, ammunition, &c., to, . . . 44
 tax to defray the expenses of the war against, . . . 44, 45
 regulations for the protection of Boston against, . . . 46
 arrangements for protecting the towns against invasion by, . . . 48
 letter from the General Court to the major general, relating to the expedition against the, . . . 54
 tax for the expenses of the war against, . . . 55
 Waymesitt, suspected of burning a haystack; order to inquire thereinto, . . . 57
 at Wamesicke, near Chelmsford, to be secured by the major general, . . . 58
 two taken prisoners at Chelmsford, and sold as spies, . . . 58
 trading houses among, to be abolished, . . . 63
 order relating to the confinement and protection of, on the islands, . . . 64

- Indians, on Deer Island, to be provided with necessities, 64
- Narragansett, commissioners of the colonies to provide against the failure of help from the, 66
- order relating to the disposal of two, . . 68
- soldiers in towns to watch, and give notice of approaching danger, &c., . . . 71, 72
- Mohegin, Pequot, and Ninecraft, council to secure the aid of, in the war, . . 72
- bounty of three pounds per head offered for each, killed or captured, . . . 72
- Eastern, committee to negotiate a peace with, 72
- referred to, 123
- orders for raising and despatching forces against the, 122
- to what places the forces to be sent, . . 122
- where to be raised, 122, 123
- Treasurer and commissary to provide supplies for the forces, 123
- all trade with, strictly forbidden, . . . 80
- (Wachusets,) instructions to Seth Perry, agent to the, 82
- letter from the General Court to the sachems near Watchusets, . . . 82, 83
- confined on the islands to be furnished with provisions, 84
- committee to enlist seventy for military service, 85
- Ponkapaug, to be removed to Brush Hill, . 86
- Nashobah and Natick, to be removed to Patucket, 86
- on Long Island, to be removed, . . . 86
- committee appointed to oversee the removal of, 86
- Major Gookin to provide arms, &c., for the Indian soldiers, 87
- in public service to be paid their arrears, . 87
- women and children to be placed on Cambridge Neck, 87
- fifty to be armed, and placed under command of Captain Hinchman, . . . 87
- seventy to be procured to march out with the forces, 91
- Cape, 92
- one hundred Pequots and Mohegins, with some English, to range the Narragansett country, &c., 92
- Mohawk, movements of, to be inquired into, 94
- head quarters of, at Watchusets, . . . 96, 97
- Captain Thomas Prentice to send out friendly Indians against hostile, . . 101
- reward to be given for captured sachems, . 101
- certain soldiers to be paid ten shillings for capturing, 101
- Indians, committee to report concerning the disposal of peaceable and submissive, 114
- six rates to be levied for payment of soldiers in the war against the, . . . 120
- assistance of the Mohawks, &c., to be procured, 123
- Mohawks, provisions to be sent to, . . . 134
- order for provisions, forces, &c., for the war against, 133, 134
- children, how disposed of, 136
- to be restricted to four places named, . . 136
- not to bear firearms without a certificate, . 136
- to exhibit the certificate on meeting an Englishman, 136
- at Hadley and Northampton, 162
- Macquas, letter from the General Court to, 165, 166
- letter to Captain Salisbury respecting, . 168
- included in the law against setting fires, . 230
- Hampshire County Court empowered to make peace with, 277
- Major Pynchon sent on a mission to the Governor of New York, respecting the incursions of the Macquas, or Mohawks, 299
- Macquas, Maquas, (Mohawks,) answer of, to Major Pynchon, agreeing to a peace, 319, 320
- law against selling arms, ammunition, &c., to, 304, 305
- order for regulating the, 327, 328
- committee's report on the land claims of, in the Nipmug country, 328
- committee authorized to buy up the land claims of, 329
- Hassanamesit, 342
- propositions from the Massachusetts government to the Macqua sachems, . . 461
- answer of the Macqua sachems to the Massachusetts propositions, . . 461, 462
- at Pennacooke, 500
- militia to be put in order, to repel an apprehended invasion of, 500
- Wanalanset, and others, to be presented with ten pounds and clothing, to pacify them, 500
- deed of, to Daniel Gookin, 216
- deed of, to Samuel Gookin, 352
- deeds from, to William Stoughton and Joseph Dudley, 361—371
- deed from, to Christopher Lawson, . . . 399
- Natick, 329, 342, 464, 531
- answer to John Eliot's petition in behalf of, 10

- Indians, Natick, committee to examine three
as to their designs, 56
the tribe to be sent to Deer Island, . . . 57
agreement of Sherburne with, for an ex-
change of land, 227
deed from, to Samuel Gookin and Samuel
How, 354, 355
allowed to sell certain lands, 486
allowed to sell land to Thomas Sawin, . . 510
Praying, committee to inquire into the dif-
ferences between Marblehead and the, 463
their deed of sale to Marlborough de-
clared null and void, &c.; not to sell
lands without license, 486, 487
Punckepaug, to be furnished with a gar-
rison for their forts, &c., 55
liberty of removal granted to, 53
Informers against breakers of the license law
to have one third of the fine, 375
Ingalls, Henry, 346
Samuel, 259
Ingersoll, George and John, grant of sixty acres
of land confirmed to, 301
George, 273, 405
John, 273, 301
Inkeepers appointed in the county of Devon, 19
and retailers of liquor, not to be licensed
till approved by selectmen, 305
license to be renewed annually, 305
if violators of the law, not to have license
renewed until, &c.; number of, in
Boston and other places fixed, 305
how and by whom punished for violating
the law, 305
penalty of two pounds for breach of the
law relating to, 414
order adopted for the protection of licensed
against unlicensed, 448
committee to agree with the, 484, 487
Insane, selectmen to take the care of, . . . 80
Insolvent estates, law for the settlement and
division of, 134, 135
Intoxicating drinks, law against the unlicensed
sale of, on training days, &c., 211
Ipswich, 2, 33, 36, 39, 42, 43, 56, 57, 77, 98, 132,
143, 175, 210, 225, 232, 245, 256, 260, 266,
283, 302, 303, 308, 325, 394, 397, 407, 409,
419, 420, 437, 459, 475, 495, 497, 514.
Thomas Burnam appointed ensign of in-
fantry in, 33
and other towns, letter from the General
Court to, asking for contributions to
Harvard College, 143, 144
petition of the inhabitants of Chebaco for
liberty to build a meeting house
referred to, 146
Ipswich, committee to state the bounds be-
tween Manchester and, 149
to be divided, 295
number of public houses, &c., in, estab-
lished, 305
and Wenham, hearing in the case of,
granted, 345
deed of, from Mascannomet to John Win-
throp, Jun., 381
annexed to the port of Salem, 383
County Courts at, adjourned, 398
Iue, Iues, Ives, John, 425, 431, 458, 468
one hundred pounds to be sent to him for
the use of the colony, 452
Ives, Mr., record of letter sent to, 496
Jackson, Edward, 393
deputy, 42, 43, 98
Faith, answer to her petition for leave to
sell lands, 314
John, 442
Jonathan, referred to the next Middlesex
County Court, 393
Jacob, John, 511
to have a garrison for his house, 75
Nathaniel, referred to a Court of law for
remedy, 235
Thomas, appointed ensign at Ipswich, . . . 394
Lieutenant, 85
Jamaica, 451, 458, 523
James I., 199
James II., news of his accession communicated
to the General Court, and of proclama-
tion thereof in Boston, 473, 474
James, an Indian, 365, 366, 368
Great, an Indian, 216, 217
William, 178
Jarman, Simon, 250
See Creeke, Edward.
Jasocomp, an Indian, 366
Jasoomp, Naontock, Jun., an Indian, 368
Jenkins, Jenkin, Sir Lionel, letter from the
Governor and Company to, 311—313
entry respecting a letter to, from the Gen-
eral Court, 383
letter to, from the General Court, 388, 389
letter from, read in open Court, 446
L. [Sir Lionel], 423
Jenner, Mr., 271, 465
Jersey, 439
Jesson, Jacob, and another, answer to petition
of, 10
Jesuits, 199
Jethro, an Indian, 364
Jewett, Jewet, Juett, Ezekiel, 497, 498
Joseph, deceased, judgment against the
estate of, 39

- Jewett, Jeremiah, 39
 Maximilian, 15, 149
 deputy, 2, 15, 42, 77, 99
 Joales, Mr., 271
 Joells, Thomas, 383
 John, an Indian sachem, 82
 Johnson, Elizabeth, (executrix,) empowered to
 make a deed of sale, 175
 (captain's widow,) exempted from taxes
 for life, 395
 allowed ten pounds country pay, 412
 Captain Isaac, 25, 69, 175
 Isaac, 395
 John, 273
 appointed captain at Rowley, 172
 Matthew, deputy, 514
 Thomas, 381
 See Townsend, Penn.
 and another, (administrators,) allowed to
 sell lands on condition, 490
 Lieutenant William, 114, 175, 191, 206, 208,
 219, 224, 225, 268, 279, 285, 313, 325, 331,
 358, 359, 380, 416, 421, 427, 429, 433, 434,
 436, 446, 463, 465, 469, 472, 480, 492, 494,
 499, 500, 506, 508.
 deputy, 2, 77, 99, 133, 184, 211, 260, 266, 303,
 309, 351, 408, 420
 chosen Assistant, 437, 475, 513
 fine of, remitted, 264
 Lieutenant [William], 309, 340
 lieutenant of Woburn, 204
 Sergeant, 182
 Jonck, —, 405
 Jones, Mary, 6, 26
 Sarah, (widow,) referred to the County
 Court, 274
 Thomas, 274, 422
 referred to the County Court, 507
 William, 272
 Jordan, Dominicas, 490
 Joy, Joye, Thomas, 140
 Joyliffe, John, 27, 140, 237, 381, 433, 442
 Judson, Randall, 45
 Randolph, 66
 See Roads, John.
 Juries, see Actions at law.
 Jurymen, number of, to be summoned, . . 498
 Keeby, Edward, petition of, referred to Suffolk
 County Court, 7
 Keep, Mr., 383
 Keeper, Lord, 422
 Kellog, Kelog, Abigail, allowed ten pounds, . 321
 Joseph, allowance for his team, (im-
 pressed,) and ferriage of soldiers, . . 148
 allowed ten pounds, 232
 appointed lieutenant at Hadley, . . . 207
 Kellog, Joseph, Sen., ensign at Hadley, . . 189
 Kellond, Thomas, 200
 Kelly, Reynald, grand juror, 18
 Kemball, Kemble, see Kimball.
 Kendrick, Elijah, settlement of his estate con-
 firmed, 359
 Kennebec, 5, 16—20, 122, 123, 401, 402
 and places adjacent named Devonshire, . 16
 River, 399, 400
 Kennebes, Kenebez, see Abbagasset.
 Kent, William, Treasurer to discharge the bill of, 207
 Kerly, Henry, appointed ensign at Marlbor-
 ough, 452
 Kettle, Richard, appointed ensign at Charles-
 town, 233
 Keyes, Samuel, appointed ensign of a compa-
 ny in Portsmouth, 21
 Kimball, Kemble, Kimball, Benjamin, cornet
 of Andover troop, 410
 Henry, administrator, empowered to sell
 lands, &c., 314
 Mary, her rate of four pounds remitted, . 122
 released temporarily from payment of
 her rate, 146
 referred to Suffolk County Court, . . 411
 King, present of cranberries, samp, and codfish
 to the, 156
 letter of, read to the General Court by the
 Governor, 191
 oath of allegiance sent from, 192, 193
 address of the Governor and Company of
 Massachusetts to the, 197, 198, 456, 458,
 466, 467, 495, 496
 letter from the General Court in answer to
 letter of the, 270, 271
 copy of his letter of September 30, 1680,
 to be sent to the major general and
 magistrates of Essex county, 303
 letter from, laid before the General Court, 303
 letter from, read in open Court, . . . 333
 address from the General Court to, . . 333, 334
 address of the inhabitants of Gloucester to, 334
 letters from, &c., read in the General
 Court, 382
 entry respecting an address and petition
 to, &c., 383
 address from the General Court to, . . 385, 386
 petition and address of the inhabitants of
 the colony to, 387, 388
 petition, &c., to be sent to the agents in
 London, 388
 address from the General Assembly to
 the, 439, 440
 letter of, &c., read in the General Court, . 446
 petition and address from the Governor
 and Company to the, 456, 458

- King, John, 360, 481
 deputy, 211
 Mark, 275
 Mary, (widow,) case of, left to the County Court, 275
 Ralph, time for hearing the case of, appointed, 234
vs. John Blayno, judgment of the General Court in the case, 247
 appointed lieutenant of Lynn troop, . . 359
 Thomas, 36
 King's arms to be carved and erected in the Court House, 203
 Kinsman, Robert, 259
 Kirke, Sir David, 200
 Thomas, 200
 Kittery, . . 2, 5, 42, 78, 99, 109, 133, 211, 399, 445
 Knapsacks, to be provided, &c., 135
 Knight, Robert, 452, 454
 petition of, referred to County Court, . . 174
 referred to a course of law, 175
 Knollis, Hansierd, 445
 Knoulton, Thomas, 336
 Kuttatuck, Kuttatuk, River, 362, 365, 369
 See Nipmug River.
 Kydder, James, Ensign, 56
 Laighton, Thomas, 21
 See Leighton, Laiton, Layton.
 Lake, Mary, 149
 Thomas, 149
 commissioner to hold the Court in Devonshire, 30, 87
 captain of a company in Boston, 32
 Lambe, Joshua, 208
 Lambert, Ednah, 501
 Thomas, 501
 lieutenant of Newbury and Rowley troop, 432
 Lambson, Samuel, 487
 Lamperelee River, 257
 Lancaster, 56, 73, 122, 295, 409, 452, 515
 exempted from country rates for two years, 341
 Land, grants of, by the General Court or towns, to be held in fee simple, 470, 471
 form of a deed from the Governor and Company, conveying a grant of, . . 473
 grants not to be laid out except by authorized surveyors, 374
 Lane, Job, 173, 208, 393, 511
 deputy, 99, 261, 476
 Langberry, Gregory, 18
 Langley, John, to be paid five pounds; committee to examine his account, . . 511
 Langton, Samuel, 90
 Lathrop, Lauthrop, Lauthrop, Lawthrop, Captain Thomas, 34
 deputy, 2, 42
 Lathrop, Captain Thomas, County Court's settlement of his estate confirmed, . . 252
 Court's judgment relating to the estate of, 275
 Mr., (deceased,) Court's decision respecting his estate, 298
 Lauson, Deodat, 286
 Laiton, Henry, answer of the General Court to petition of, 9
 Laws, committee appointed to revise and amend the, 244
 to be reprinted, 268
 committee to consider the state of the, . 268
 committee for the revision of, urged forward, 294
 committee to revise and print the, . . . 301
 committee for revival of, to report at the next session, 303
 agreement of the General Court to amend objectionable, 332
 capital, act repealing certain sections of, . 339
 committee to prepare for the press the, . 464
 committee to revise the, 473
 committee for revising to expedite the business, 476
 report of committee for revising the, . . 476
 revival of, proceeded in day by day; to be printed sheet by sheet, 479, 484
 of the colony excepted to by the attorney general and solicitor of England; proceedings of the Court thereon, . . 321, 322
 of England bounded within the four seas, and do not reach America, 200
 Lawson, Christopher, Indian deed of Swan Island to, 399
 mortgage deed of Swan Island from, to Humphrey Davy, 400, 401
 additional deed of Swan Island to Humphrey Davy from, 402
 Layton, Thomas, authorized to solemnize marriage in Lynn, 206
 Leach, Leache, Lawrence, 223
 Richard, Lieutenant, 33
 lieutenant at Salem village, 172
 appointed captain at Salem village, . . 394
 Leland, Leyland, Lealand, Lealands, Henry, 56,
 227, 228
 Hopestill, 535
 Learned, Benoni, 532
 Legal instruments, form of a deed of conveyance, 473
 Legg, John, 307
 lieutenant at Marblehead, 419
 made a freeman and ensign at Marblehead, 279
 Leighton, Lighton, John, 37, 497, 498
 Letter to Captain Appleton, 52
 to the major general, 54

- Letter received from Captain Henschman, . . . 69
 sent to Captain Henschman, 69
 to the Indian sagamores, 82
 to the Indian sachems, 93
 received from Connecticut, 96
 to Connecticut, 96, 140, 317
 to Sir Joseph Williamson, secretary of
 state, 118, 119, 161
 to Henry Coventry, secretary of state, 118, 160
 to the Governor of Plymouth, . . . 126, 169
 to Plymouth, 141
 to Charles II., 157
 to the lord chancellor, 158
 to the lord privy seal, 159
 giving an account of Indian outrages, . . 162
 to Messrs. Stoughton and Bulkeley, agents
 in England, 163
 to the sachems of the Maquas Indians, . 165
 to Captain Salisbury, 166
 to Governor Andros, at New York, . . . 168
 received from Charles II., . 191, 261, 303, 382
 to the agents in England, . . . 201, 220, 391
 to the Earl of Sunderland, 270, 287
 in relation to money due from the county
 of Norfolk, 276
 from the province of New Hampshire, . . 280
 to Samuel Dalton, late Treasurer of Nor-
 folk, 281
 to settlers of Casco Bay, 286
 to Sir Lionel Jenkins, secretary of state, 311,
 388
 to Edward Cranfeild, Governor of New
 Hampshire, 444
 &c., received from Charles II., read, . . 446
 received from William Blaithwayt, . . . 473
- Letters to be sent to the Governor of Plymouth, 92
 to ministers and towns, in relation to sub-
 scriptions, &c., for Harvard College, . 143
 loss of, by merchants, 147
 to be written to the French Governor of
 Canada, and to the Indians that have
 prisoners in possession, 168
 &c., to Robert Humphreys, 423, 430, 439, 440,
 451, 458, 468
 public, from the beginning of these planta-
 tions to be transcribed, &c., 454
 to be sent to Mr. Humphreys and Mr. Ives, 496,
 505
- Leuerdeur, Priscilla, refusal of the General
 Court to remit the fine of, 148
 her petition in favor of her son granted, . 232
- Leverett, Leveret, Hudson, and another, time
 for hearing their case appointed, . . . 186
 and another, vs. Philip Bullis, judgment
 of the General Court in the case
 of, 205
- Leverett, Leveret, John, 14, 17, 34, 38, 43, 44, 46, 58,
 68, 70, 98, 103, 108, 117, 118, 126, 132, 154,
 157, 159—161, 185, 191, 204, 238, 249, 406
 chosen Governor, 1, 27, 77, 131, 183
 gratuity of one hundred pounds to, . . . 31
 one hundred pounds allowed for the inter-
 ment of, 216
 Mrs., 249
- Livingston, Robert, 462
- Lewis, Edward, proclamation for discovering
 the murderer of, 41
 Thomas, 11
- License laws, informers against the breakers
 of, to have one third of the fine, . . . 375
- Licenses, committee to compound with ordina-
 ries for, 317
 committee to arrange with innkeepers, &c.,
 respecting, 352
- Licensing the press, Revs. Thomas Thacher
 and Increase Mather empowered for, . . 4
- Lincoln, Thomas, appointed ensign at Hing-
 ham, 394
 See Lyncolne.
- Lindall, see Lyndon.
- Littlefeild, Francis, deputy, 99
- Lloyd, Philip, 423
- Loadstone of the colony, committee to inquire
 for and secure the, 238
- Loan, council authorized to negotiate a, . . . 89
- Loans, act encouraging private persons to make
 loans to the colony, 71
 method of procuring, recommended by
 committee, 96
- Lobdell, Isaac, 314
 John, will of, referred to, 36
 Simon, allowed one pound, four shillings,
 for sundries, 359
- London, 387, 421—425, 431, 432, 485, 530
 Bishop of, 422
- Long, Captain John, surveyor at Charlestown, . 374
- Long Island, 207, 406
 deed of, from John Sears to Isaac Walker, 403
- Long Meadow, 216
 Brook, 410
- Longham Bridge, 224
- Loomis, Samuel, 170
 appointed ensign to foot company at West-
 field, 6
- Lord chancellor of England, letter from the
 General Court to the, 158, 159
- Lord privy seal of England, letter to, from the
 General Court, 159, 160
- Lord, Richard, to be paid eleven pounds, fif-
 teen shillings, four pence, 377
 Robert, vs. Samuel Bishop, Court's judg-
 ment in the case, 416

- Lord, Robert, Jun., 256, 257, 259
 Lothrop, see Lathrop.
 Loudon, James, referred to Middlesex County Court, 325
 Lovell, James, petition of, dismissed, . . . 190
 Low, Anthony, granted indemnity for his wife, 101
 John, 339
 Lowle, Benjamin, petition of, dismissed, . . 40
 Loyall, Fort, 309, 327, 395
 to be maintained at the charge of the colony, 310
 Luxon's Sound, 403
 Lyman, John, Ensign, 360
 Lyncolne, Samuel, 487
 See Lincoln.
 Lynde, Linde, Lynd, Joseph, 14, 289, 303, 452, 454, 459
 deputy, 2, 14, 260, 265, 302
 ensign at Charlestown, 307
 Simon, 173, 264
 Lyndon, Augustin, 248, 280
 Mary, on petition, divorced from her husband, &c., 248
 order of the General Court securing certain property to, 248, 249
 Timothy, 407
 deputy, 407
 Lynn, 2, 42, 43, 56, 77, 98, 103, 104, 132, 210, 232, 260, 266, 295, 302, 308, 359, 378, 407, 420, 437, 460, 476, 487, 514.
 petition of troopers of, granted, . . . 174
 town of, and James Olliver, Court's resolve in the case, 208
 number of public houses in, established, . 305
 number of jurymen from, 498
 Lynsey, John, 487
 Lyon, George, 188
 Thomas, 301
 See Newell, Martha.
 William, 175
 entry respecting a license for, 510
 Macqua, John, an Indian, 354, 355
 Macquas, letter from the General Court to the sachems of the, 165
 letter to Captain Salisbury relating to the, 166
 Maquas, Maquars, Mohaukes, see Indians.
 Madox, Maddox, Mary, released from the marriage bond, 188
 Henry, 188
 Madequaim, an Indian, 368
 Magistrates, act for commissioning, and defining the powers of, 139
 Magunchog, 300
 Mahugkoog, Magungecoog, 228
 Maine, province of, 158, 200, 203, 270, 282, 288, 303, 334, 349, 391, 392, 395, 397, 442, 444, 490
 Maine, indentures respecting, read, &c., . . 192
 two indentures about, delivered to secretary to keep, 192
 bargain for, by agents ratified, 195
 Treasurer to provide for payment of, . . 196
 order for the improvement, government, and disposal of, 196
 recall of the vote for selling, 226
 a government for, to be established, . . 263
 return of the committee for settling the government approved, 286
 Thomas Danforth elected president of, . 309
 committee to inquire into state of, &c., . 309
 return of committee for inquiry into state of, approved, &c., 309, 310
 proposals for settling the government of, accepted, 326
 ordinances of the Court respecting, . . 326, 327
 certain lands and islands in, conveyed to the Treasurer for specific purposes, . 397
 attorney appointed to receive and dispose of lands, &c., in, belonging to the Governor and Company, 399
 Major general, chosen: Daniel Dennison, 1, 27, 77, 183, 210, 265
 Daniel Gookin, 308, 350, 407, 436, 475, 513
 Malden, 2, 42, 56, 78, 99, 133, 211, 260, 266, 268, 295, 303, 309, 408, 420, 421, 437, 476, 483
 number of jurymen from, 498
 Man, Daniel, 267
 his certificate of sealing standard weights and measures, 267, 268
 John, 222, 272
 and others, committee to report on the petition of, 317
 Man, Isle of, 439
 Manchester, 56
 committee to state the bounds between Ipswich and, 149
 recommended to neighboring churches for relief, 510
 Mannaset, Mannasset, an Indian, 58
 sentence against, reversed, 68
 Mannapaugh, Monnaipaugh, an Indian, . . 58
 sentence against, reversed, 68
 Manners and customs; condemnation of long hair, &c., 59
 excesses in apparel condemned, 59
 persons not to leave the meeting house till the blessing be pronounced, 60
 order respecting the behavior of youth during public worship, 61
 law against profane swearing to be more strictly enforced, 61
 ordinance against tippling and excessive drinking at taverns, 61

- Manners and customs; ordinance against un-**
 licensed houses of entertainment, . . . 61
 ordinance against the breach of the fifth
 commandment, 62
 ordinance against inferiors being absent
 from home in the night, 62
 ordinance in addition to law against idle-
 ness, 62
 ordinance against pleasure parties fre-
 quenting taverns in other towns, . . . 63
 constables, tithingmen, &c., enjoined more
 strictly to enforce the laws concern-
 ing, 469
- Manning, Maning, Elizabeth, order in favor**
 of, 317
 John, 360, 380
 Nicholas, 317
 William, 32
 to have fifteen pounds out of subscrip-
 tions to Harvard College, 445
- Mr., 143, 144**
- Mansfield, Andrew, 358, 378**
 deputy, 266, 302, 308, 351, 407, 420
 Joseph, to be compensated for damage by
 fire, 73
 Mr., 325
- Maquas, see Indians.**
- Maquaw, Maquau, John, 362, 363**
 See Mio, John; also Macqua, John.
- March, Dorcas, 205**
 Hugh, vs. his wife, Dorcas, judgment of
 the General Court in the case of, . . . 205
 entry respecting the petition of, . . . 379
- Marblehead, 56, 69, 75, 243, 261, 295, 303, 419'**
 order respecting non-freemen of, . . . 8
 report of committee respecting the common
 lands of, accepted, 21
 commissioners appointed to end small
 causes at, 148
 fine of the committee of, remitted in part, 307
 surveyors for the port of, 374
 annexed to the port of Salem, . . . 383
- Marichouge, 488**
- Markham, William, referred to Hampshire**
 County Court, 330, 331
- Marlborough, 56, 75, 82, 85, 93, 96, 142, 205, 216,**
 230, 261, 266, 268, 279, 295, 303, 309, 315,
 329, 342, 353, 358, 411, 421, 452, 485, 515,
 531.
 report of committee for settling the affairs
 of, accepted by the General Court, . . . 7
 hearing granted to certain inhabitants of, . 36
 provisions, &c., to be sent to head quarters
 at, 74
 authority given to call a town meeting and
 elect officers in, 145
- Marlborough, petition of, for a tract of land,**
 refused, 180
 committee to settle the difficulties of, . . 231
 committee's return concerning the affairs
 of, accepted, 252—254
 committee to inquire into the difficulties
 between the Praying Indians and, . . 463
 Indian sale of land to, declared null and
 void, 486
- Marsh, Alexander, 301**
- Marsh, Marish, James Rumney, Rumly, . . . 362, 510**
- Marshal, order relating to returns of attach-**
 ments by, 29
 See Marshals.
- Marshal general, John Green elected, . . . 322**
 salary of, fixed at forty pounds per annum, 456
- Marshall, Benjamin, vs. Samuel Pepin, judg-**
 ment of the General Court in the
 case, 246
 John, paid three pounds for extra attend-
 ance on the Court, 474
- Marshals and constables, interested persons**
 not to be appointed deputies of, . . . 28
- Marshfield, Samuel, 411, 481**
 deputy, 266, 408, 437
 appointed a land surveyor, 375
- Marston, Ephraim, 400**
 John, 273
 appointed ensign, 419
- Manasses, appointed cornet of Salem**
 troop, 442
- Thomas, deputy, 132**
- Martin, Martyn, George, and others, hearing on**
 petition of, granted to, 6
- Richard, 190, 246, 256, 257, 259, 404**
 deputy, 211
 associate for Dover and Portsmouth, 31, 88,
 186, 226
 invested with magistral power, 101, 145,
 186, 226
 associate for Dover, 145
 collector for Piscataqua, 243
- Susanna, 6**
 and Mary Jones, vs. Nathaniel Winslow,
 judgment of the General Court in the
 case of, 26
- Thomas, allowed to purchase land of the**
 Indians, 275
 Mr., 125
 Mrs., 256
- Maryland, 462**
- Maschannomet, Masconnomet, Maschonnamet,**
 Musconnet, an Indian sagamore, pay-
 ment for his lands in Ipswich acknowl-
 edged, 381
- Mason, Ann, 113**

- Mason, Arthur, allowed five pounds for horse lost in country's service, 10
- Content, 412
- See Wales, John
- Hugh, . 7, 8, 14, 34, 68, 80, 143, 144, 181, 182
- deputy, 42, 43, 77, 98, 132
- John, 303, 412
- (executor,) empowered to make sale, &c., 359
- Joseph, 113
- Robert, 335, 336
- Mr., 99, 109, 111—113, 115, 158, 159, 197, 303, 312, 334, 348, 349, 382, 389
- See Gorges, and Mason.
- Mason's claims, letter from Governor Bradstreet to Sir Lionel Jenkins respecting, 388, 389
- disinterested persons to hold a Court in Essex for trial of the cases referring to, 398
- Massachusetts, inhabitants of, not to serve in America under any foreign prince, 446, 447
- Mat Waisk, an Indian, 368
- Mataunp, Mattaomp, Wet, an Indian, . . . 368
- Mathew, an Indian, 39
- Mather, Elizabeth, case of, referred to the County Court, 275
- Increase, licenser of the press, 4
- salary of, as president of Harvard College, established, 324
- and John Cotton, Sen., plat of four hundred acres of land confirmed to, . . . 486
- Rev. Mr., to be desired to preach before the Court, February 13, 1682—3, 383, 385
- Mr., 345
- Maudesley, John, 238
- referred to Hampshire County Court, . . 352
- Maverick, Mavericke, Catharine, widow, case of, referred to Suffolk County Court, . 277
- John, 277
- Moses, 307
- authorized to perform the marriage rite, and administer oaths, 148
- commissioner for small causes at Marblehead, 148
- May, Abigail, widow, authorized to make a deed of sale, 188
- Samuel, 188
- Mayanexet, 488
- Measures, see Weights and Measures.
- Medfield, 2, 23, 42, 56, 72, 99, 101, 133, 188, 189, 229, 260, 294, 303, 309, 342, 415, 420, 468, 485, 514, 533, 535.
- a frontier town, 79
- petition referred to the October session, . 104
- taxes abated, on account of losses by the Indians, 124
- Medfield and Sherborne, one hundred and twenty pounds remitted to, 274
- committee to apportion the money, . . . 274
- Medford, 56
- soldiers of, to be exercised by a sergeant, declared to be a "peculiar," &c., . . . 456
- Meejkoneage Neck, 392
- Meeting houses, law against the erecting of, without leave, and penalty for its violation, 213
- Mendham, 56, 92
- Mendon, 69, 97, 190, 342, 378, 442, 455, 485, 531, 533, 535
- committee to settle the difficulties of, . . 6
- inhabitants of, not to forsake their habitations, on pain of forfeiture, 65
- report of committee for settling religious and civil differences of, accepted, . . . 25
- standing committee for, appointed, . . . 40
- garrison to be increased by ten men, . . . 51
- inhabitants not to forsake the town, under penalty, &c., 51
- petition of inhabitants relating to public charges granted, 234
- committee for locating buildings and settling a minister, 235
- order relating to non-residents of, continued, 325
- answer to the petition of, touching country rates, &c., 356
- selectmen of, empowered to assess non-resident proprietors, 454
- exempted from country rates for one year, 471
- Menunion, an Indian, 364
- Menunion, Elisha, an Indian, 378
- Menunion, William, an Indian, 378
- Merrimac River, 89, 109, 110, 137, 158, 227, 348, 389, 419, 430
- an island in, granted to Major Dennison, . 171
- Court's action as to granting an island in, to Captain James Olliver, 278, 279
- villages south of, referred to, 312
- Merrykoneag Neck, granted to Harvard College, 397
- Messenger, Edward, to have his horse restored, &c., 175
- Metals, one thousand acres granted to Major Pyncheon and others, to encourage them in searching for, 482
- Metananamit, 217
- Mexican coin, to pass as current money of New England, 351, 373
- Micos, Magus, Magos, John, an Indian, . 353—355
- See Maquaw, Macqua, Mooqua.
- Middlecott, Midlecot, Richard, 176, 331
- See Giffard, John.

- Middlecot, —, 178
 Middlesex county, 156, 236, 323, 332, 443, 457, 458, 531
 regiment to be put into a posture of war, . . . 53
 Indian war tax, 55
 quotas for the Indian war, . . . 73, 85, 91, 123
 regiment, Daniel Gookin appointed sergeant major of, 83
 inhabitants of, to carry their corn for rates to Charlestown or Cambridge, . . . 236
 militia divided into two regiments, . . . 295
 Court, 359, 379, 393, 397, 398, 431, 459, 507, 510, 516
 Middleton, James, corporal for Saggedehock, . . 19
 Mighill, Stephen, 497, 498
 Mihell, Thomas, 405
 Milion, Elisha, an Indian, 362, 364
 Joseph, an Indian, 362
 Military affairs, Rowley case concerning, to be heard, 7
 companies that exceed two hundred to be divided, 16
 soldiers of Rowley village, where to train, 16
 masters of coasting vessels not to be exempt from training, 30, 33
 town committees to designate persons for military officers, 30
 three fourths of the militia liable to be drafted into service, 47
 ordinances for regulating the conduct of the soldiers, 49, 50
 guards and garrison soldiers, how regulated, 50
 officers of the troop in Suffolk county, . . 52
 letter of instructions from the General Court to Captain Appleton, respecting the forces under his command, . . . 52
 the forces of Suffolk and Middlesex to be put into marching order, 53
 reënforcement sent to protect Dover, Portsmouth, and Yorkshire, 53
 reënforcement to be raised in Norfolk and Essex, 53
 town committees of militia authorized to settle military accounts, &c., . . . 66
 captains appointed for the expedition against the Indians, 69
 major of Suffolk to send eighteen soldiers to Hassanamesit, 69
 majors and other officers allowed to pursue the enemy beyond the bounds of their county, during the war, 70
 order for impressing troopers repealed, . . 70
 volunteers to be subject to martial regulations, 71
 law entitled "Guards and Garrison Soldiers" to be put in execution, . . . 71
 Military affairs; one hundred men to be impressed in Suffolk county for service, 72
 quotas of the several counties, &c., for the Indian war, 73
 supplies to be sent to the company at Lancaster, 73
 provisions to be sent to head quarters at Marlborough, 74
 the commander-in-chief, with his forces, ordered to join the Connecticut forces, 74
 storehouse and hospital to be erected at head quarters, 75
 order to Major General Dennison for the disposition of the forces at Marlborough, 75
 entry relating to granting of commissions, 76
 order relating to Captain Benjamin Gibbs and his troop of volunteers, 77
 delinquent soldiers to be fined, &c., . . . 78
 town committees of militia authorized to execute the law against delinquent soldiers, 79
 hire of horses for troopers fixed at eighteen pence per week, 79
 standing committee to consider and report on the case of wounded soldiers, . . . 80
 four troops dismissed to their homes for a week, 84
 quotas of soldiers to be drafted from Suffolk, Essex, Middlesex, and Norfolk, . 85
 the major general to attend the mustering of the forces at Concord, 85
 the majors to impress one hundred horses, for transportation, 85
 commissaries to furnish provisions for five hundred men for one month, . . . 85, 91
 order for raising infantry and cavalry in the several counties, 91
 major general to muster the forces at Concord, 91
 one hundred baggage horses and fifty hostlers to be impressed, 91
 seventy Indians to be enlisted, armed, and equipped, 91
 army to be provisioned, and march without delay, 92
 forces from Connecticut and Plymouth to be called for, 92
 order relating to sick soldiers, provisions for garrisons, &c., 92
 propositions respecting volunteers, . . . 94, 95
 quota of Suffolk soldiers and Indians for the eastern service, 122
 quota of Essex and Middlesex soldiers for the east, 122, 123
 eastern men to be impressed for service, . 123

- Military affairs; order for procuring supplies for the eastern forces, 123
- musketeers required to provide knapsacks, &c., 135
- provisions and clothing ordered for the soldiers in Yorkshire, 135
- prices of provisions, ammunition, &c., fixed, 137
- young men out of employment in York, Dover, and Portsmouth counties to be impressed into service, 144
- Treasurer ordered to pay one hundred and seventy pounds, seventeen shillings, seven pence, in accordance with the report of the committee of the army, 147
- captain's commission to decide precedence of companies, 194
- major general to take order for supplying towns with ammunition, &c., 215
- Captain Hobart authorized to enlist men in Hingham, &c., 232
- order relating to regimental musters, . . . 236
- order to prevent certain persons from escaping military duty, 242
- drummers required to serve, under penalty, &c., 243
- finer of troopers remitted, 251
- troop in Hingham, &c., to be organized, . . 254
- form of a captain's commission, 261
- explanation of the order respecting the form of officers' commissions, 266
- persons entreated by the General Court to accept captains' commissions, 269
- militia of Suffolk divided into two regiments, 294
- militia of Middlesex divided into two regiments, 295
- militia of Essex divided into two regiments, 295
- Captain Hammond's company, at Charlestown, to be divided into two, &c., . . 295
- order relating to enlistment of troopers in Essex county, &c., 321
- major of new regiments desired to signify acceptance of office, 323
- major of new regiments desired to give their answers accepting said offices, . . 332
- commissions to be supplied to officers destitute thereof, 385
- a new troop organized for Beverly and Wenham, 409
- inhabitants of Andover, Topsfield, &c., allowed to complete their troop, &c., . 410
- persons appointed officers of the troop in Boston, 418
- Military affairs; order for organizing a troop in Salisbury, &c., 419
- Major Robert Pike authorized to enlist a troop, 438
- Military officers exempted from being chosen constables, 366
- Military trainings, limited to four days, . 211, 212
- penalty for delinquencies, 212
- Millet, Thomas, 336
- Millers River, 482
- Mills, Samuel, 468
- Milton, 51, 53, 55, 56, 64, 261, 266, 294, 303, 309, 316, 421
- inhabitants of, to aid in its defence, . . . 73
- certain inhabitants of, relieved from rates imposed by Dorchester, 188
- petition of selectmen of, rejected, 207
- Mines of gold and silver, persons to be appointed to inquire after, 383
- Minot, George, order on the petition of, . . 277
- Stephen, 129
- True Cross, (widow,) empowered to make sundry deeds of sale, 129
- Mint masters, committee to appoint, . . . 29
- contract with the, 43
- Misdemeanors, single women and wives with absent husbands forbidden to lodge sojourners without leave; penalty, five pounds, 4
- magistrates empowered in certain cases to punish, 453
- Mitchell, Mitchaell, Jonathan, 397
- Margaret, (widow,) Middlesex County Court empowered to act for her good, &c., 397, 398
- Mary, petition of, refused, 301
- Mr., 173
- Michelson, Mitchelson, Edward, 176, 177
- marshal general, writ of execution directed to, 256
- Modesley, John, appointed lieutenant at Westfield, 189
- See Maudsley; also Moseley.
- Mohawks, 94, 138
- See Indians.
- Mohegin Indians, 92
- See Indians.
- Monck, Moncke, George, and John Wing, committee to examine their accounts of public expenses, 453
- allowed to erect a timber shed in Boston, . 506
- Monhegin, 18—20, 122
- Moody, Caleb, 336
- deputy, 132, 184
- Joshua, vote of thanks to, for his election sermon, &c., 7

- Moody, Rev. Joshua, his election sermon requested for the press, 34
- Moonisco, George, an Indian, 364
- Mooqua, Maqua, John, an Indian, . . . 531—533
See Mico, John.
- Moore, John, appointed ensign, 419
Captain Richard, surveyor at Salem, . . 374
- Morrice, Morice, Morris, Edward, 426, 441, 467,
468, 471, 484, 487, 493, 512
deputy, 184, 210, 260, 265, 302, 308, 351, 407,
420, 437, 475, 514
- Morse, Daniel, 364
Daniel, Sen., 227, 228
Elizabeth, (widow,) granted two hundred
acres of land, 254
John, 85, 91, 152, 254
Jonathan, ensign at Sherborne, 377
Obadiah, 227, 228, 364, 531
- Moseley, Mosely, John, 170
Captain, committee to confer with, respect-
ing his offer of service, 94
propositions of, &c., relating to volun-
teers, adopted, 94, 95
See Maudsley; also Modesley.
- Moumiton, Joseph, an Indian, 378
- Mountford, Mountfort, Edmund, 140
- Muddy River, 507
- Mumford, William, 442
- Mun, John, allowed payment of seven pounds,
six shillings, 231
to be paid five pounds in country pay, . . 360
to be paid twelve pounds, 412
- Munjoy, Mountjoy, George, 395
commissioner to hold the Court in Devon-
shire, 30
associate for Yorkshire, 31, 87
allowance for laying out the eastern bound-
aries, 207
Mary, 395, 396
See Danforth, Thomas.
- Mr., 102
- Musgrave, Jabez, a wounded soldier, allowed
ten pounds, 280
allowed one pound per annum, 418
- Naaskomit, Sarah, 217
- Naffe, William, empowered to sell lands, on
condition, 418
- Nahauton, William, and another, not to be
molested in passing between Punc-
paug and their own place, 57
- Nanatoho, an Indian, 368
- Naponset, addition to the guard for the powder
and grist mills at, 73
- Narragansett, 127
order to make good the loss of arms and
clothes by the fire at, 115
- Narragansett country, 92
- Nasquamit, John, an Indian, 216
- Nash, Jacob, appointed quartermaster to Hing-
ham troop, 301
deputy, 437
Timothy, appointed ensign at Hadley, . . 233
- Nashaway, 39, 329
- Nashaway River, 310
- Nashobah Indians to be removed to Patucket, . 86
- Naskonit, John, 217
Peter, an Indian, 216
- Natanis Brook, 482
- Natick, 10, 55, 136, 165—167, 229, 230, 298, 327,
329, 353—355, 361, 464, 531, 533
order to run the line between Dedham
and, 485, 486
bounds of, referred to, 37
and Sherborne, exchange of lands be-
tween, 227
Indians, see Indians.
- Naumkeage, 389
- Nausquanit, 217
- Naval office, to be erected in Boston, 337
(custom house,) addition to the law enti-
tled, 383, 384
- Naval officer, oath to be taken by the, . . . 338
commission of the, 338
- Nathaniel Clarke appointed, for Newbury
and Salisbury, 439
Benjamin Gerrish appointed, for Salem, . 438
Samuel Nowell appointed, 510
- Navigation acts of England, order for enforcing
obedience to the, 155
Court's reply to objections to their course
respecting, 200
Governor and council empowered to en-
force the observance of, 236
of Parliament, to be proclaimed in the
market-place at Boston, 337
order for carrying into effect the, 337
oath required by his majesty for the exe-
cution of, administered to the Govern-
or by order of the General Court, . . . 262
- Nawaggen, Cape, Capenawaghen, 5, 17
- Neale, Andrew, 175
Francis, 172
Francis, Sen., 273
Francis, Jun., 273
Jeremiah, referred to the County Court, . 510
Captain, 113
- Neancit, Noancit, Sam, 362, 364
- Needome, William, petition relating to salvage
answered, 147
- Negewomicke River, 234
- Nehemiah, an Indian, 362, 364
- Nelson, Philip, 39, 92, 149, 233, 336

- Nemapanet, 217
- Nepsuchnit, 97
- Nequanit, Old, an Indian, 216
- Newbury, 2, 42, 43, 56, 77, 98, 127, 132, 145, 187,
206, 210, 232, 245, 260, 266, 268, 295, 302,
303, 308, 325, 374, 379, 394, 408, 409, 418,
420, 432, 437, 476, 514.
- John Woodbridge invested with magistrat-
ical power for, 226
- empowered to raise sixty pounds per an-
num, for a schoolmaster's salary, . . . 272
- bridge made a free county bridge, &c., . . 280
- to be divided, 295
- order relating to the schoolmaster at, . . 299
- number of public houses in, established, . 305
- grant of sixty pounds per annum to the
schoolmaster of, repealed, 316
- annexed to the port of Salem, 383
- soldiers to be divided into two companies, 431
- Nathaniel Clarke appointed naval officer
for, 439
- John Woodbridge authorized to solemnize
marriage, &c., in, 483
- Newbury's, Newbery, Farm, 104, 121
- New England, committee to peruse and report
on Hubbard's History of, 279
- Rev. William Hubbard allowed fifty pounds
for his History of, 378
- New Cambridge, 412
- Newell, Isaac, 367
- Jacob, 283, 301
- Martha, order in favor of, renewed, . . 283
- (administratrix,) empowered to make a
deed, &c., 301
- Newhall's lots, 460
- New Hampshire, 270, 388, 527—529
- Court's answer to objections respecting the
resettlement of, 200
- letter from the president, council, and Gen-
eral Assembly of, read and ordered on
file, 280, 281
- Court's letter to Mr. Dalton respecting
rates due from, 281
- controversy, see Gorges, and Mason.
- letter to the towns in, calling for their
arrears, 276, 277
- letter to the Governor of, relating to exac-
tions from citizens of the province of
Maine, 444
- New London, 141, 488
- Newman, Antipas, 314
- John, (administrator,) request of, granted, . 314
- Newport, Andrew, 530
- New York, 457, 461, 490
- answer to, about removing the eastern
people, 123
- Nicholet, Nicholett, Rev. Mr., 67
- Nicholls, James, 487
- Colonel, 109
- Nickles, Robert, 273
- Ninircraft Indians, see Indians.
- Nipmug, Nepmuck, Nepmug country, 264, 409, 467,
487, 488, 506
- committee to inquire as to the Indian title
of land in the, 315
- committee's report on the Indian claims to
lands in, 328, 329
- committee empowered to buy up Indian
claims to land in, 329
- return of the committee for purchasing
the, 341, 342
- Court's order relative to the purchase of, . 342
- committee to make deeds of sale of, from
the Indians to the Governor and Com-
pany of Massachusetts Bay, 352
- deed of conveyance of, made by the In-
dian proprietors to agents of the Gov-
ernor and Company of Massachusetts, 361
—364
- deed of, acknowledged, 365
- deed of, from William Stoughton and Jo-
seph Dudley, agents, &c., to Simon
Bradstreet, Governor of Massachusetts
Bay Colony, 367, 369, 371
- second deed of the, from Indian proprie-
tors to agents of the Governor and
Company of Massachusetts, . . . 365—368
- Nipmug River, 362, 369
- See Kuttatuck River.
- Noble, Thomas, 238
- Noddle's Island, 16
- freed from incumbrance, and confirmed to
Samuel Shrimpton, 413
- Nonantum, 230
- Norden, Samuel, 150
- freed from imprisonment, 417
- Norfolk county, 53, 54, 156, 187, 236, 276, 281, 316,
321, 438
- William Stoughton appointed to hold the
Courts for, 5
- commissioners for, 30
- associates for, appointed, 31, 88, 145, 187, 226
- quotas for the Indian war, 73, 85, 91
- Courts, where to be held, 88
- Major General Dennison appointed to hold
the Courts in, 88
- Salisbury, Haverhill, and Amesbury, for-
merly belonging to, joined to Essex
county, 264
- records of lands to be kept in some town
north of Merrimack River, 264
- Norman, Richard, 307

- Norman, Richard, ensign at Marblehead, . . . 69
made a freeman and lieutenant at Marblehead, . . . 279
- Normansell, Richard, . . . 422
- Northampton, 2, 42, 56, 78, 92, 99, 133, 162, 166, 211, 266, 268, 277, 309, 360, 408, 421, 437, 444, 476, 482, 504, 514.
garrison to be reduced, &c., . . . 90, 91
taxes abated, on account of losses by the Indians, . . . 125
brandmark for, . . . 324
emendation of the record of the bounds of, 480
agreement respecting the bounds between Springfield and, ratified by the Court, 481
- Northen, Ezekiel, . . . 336, 497, 498
- Norton, George, appointed ensign at Suffield, . 327
- Notary public, seal to be provided for, described, . . . 438
- Nova Francia, . . . 116
- Nowell, Nowel, John, . . . 307
- Josiah, . . . 216
- Mrs. Parnell, surveyor's return of her farm approved, . . . 233, 234
- Samuel, 304, 309, 322, 332, 359, 368, 371, 372, 380, 382, 414, 421, 430, 434, 436, 441, 446, 464, 465, 469, 472, 473, 476, 484, 486, 487, 494, 500, 506—508, 516.
chosen Assistant, 265, 308, 350, 407, 436, 475, 513
commissioner of the United Colonies, 436, 475, 513
commissioner in reserve, . . . 350, 407
appointed chaplain to the expedition against the Indians, . . . 75
surveyor's return of his farm approved, 233, 234
allowed thirty pounds for public services, &c., . . . 303
one of the agents to England, . . . 304
and Thomas Danforth, granted the island of Chebiscodago, in full satisfaction for public services, . . . 441, 442
chosen Treasurer, . . . 505, 513
appointed naval officer, . . . 510
- Mr. [Samuel], . . . 339, 359, 416, 454, 505
- Noyes, Noyse, Noyce, Mary, . . . 310, 341
- Nicholas, . . . 316, 336
deputy, . . . 210, 266, 302
- Peter, deputy, . . . 211
- Thomas, captain at Newbury, . . . 409
- Ensign, . . . 40
- Nuisances, law for the prevention and removal of, . . . 438
- Nurse, Francis, . . . 417, 429
See Allen, James; also Endicot, Zerubabel.
- Nurse, Francis, committee to state the bounds of his farm, . . . 204
- Nutter, Anthony, deputy, . . . 2, 78
Lieutenant, . . . 190
- Oakes, Edward, deputy, 2, 14, 42, 43, 77, 98, 132, 184, 210, 260, 266, 302, 308, 420, 437, 514
- Urian, chosen president of Harvard College, . . . 31
vote of thanks for his services as president of Harvard College, . . . 57
requested to continue in office, . . . 57
allowed fifty pounds per annum, as president of Harvard College, . . . 263
- Mr. [Urian], . . . 352
- Rev. Mr., . . . 192
- Oath of allegiance, . . . 191—193
- Oaths and subscriptions, enactments for enforcing the law prescribing, . . . 154, 155
- Odianne, an Indian sachem, . . . 461
- Okonkonomesit, Konkonomesit, . . . 216
- Old Queen, an Indian sachem, . . . 82
- Oliver, Olliver, David, . . . 18
James, . . . 33, 52, 57, 65, 279, 283
and another, allowed one half of eight barrels of powder seized and saved from exportation by them, . . . 57
authorized to search for and seize powder intended for exportation, . . . 57
&c., and the town of Lynn, Court's resolve in the case, . . . 208
discharged from his place of captain, at his request, . . . 278
Court's action as to granting an island to, . . . 278, 279
granted two hundred acres of land, . . . 331
- John, appointed ensign at Boston, . . . 189
appointed lieutenant, . . . 419
- Richard, . . . 18, 19
appointed recorder and clerk of the Courts in Devonshire, . . . 18
clerk of the writs in Monhegin, . . . 19
associate for Devonshire, . . . 30
- Captain, . . . 32, 69
- Ong, Jacob, *vs.* John Fuller, judgment of the General Court in the case, . . . 246
- Onnamaug, Sarah, (Indian,) allowed to sell certain lands, . . . 315
- Oonomog, an Indian, . . . 216
- Oppression, order to punish merchants, mechanics, and laborers for, . . . 62
- Orchard, Robert, . . . 131, 392
order of the General Court in favor of, . . . 398
- Ordinaries, keepers of, not to recover liquor debts by law, and to be fined on conviction, . . . 242
committee to agree with, continued, . . . 412

- Ordinaries and taverns, committee to make an agreement with keepers of, 441
- Ormond, Duke of, 422
- Osbourne, Nicholas, 18
- Osgood, John, 346, 393
 captain of Andover troop, 410
 Lieutenant, 86
- Oxenbridge, John, 6, 32
 an executor of Governor Bellingham's will, 24
- Oyster River, inhabitants empowered to choose selectmen, with power to lay a rate or rates, 38
- Pacatucke River, 97
- Paddy, —, 186
- Paige, Nicholas, 115
 sentence of the Court against, 13
 Onesiphirus, to be paid four pounds, . . 485
- Palmer, Henry, 15, 18
 deputy, 2, 15, 78, 133, 184, 211
 John, Sen., 18
 commissioner to hold Courts in Devonshire, 19
 associate for Devonshire, 30
 John, Jun., 18
- Palmers, Christopher, consideration of his petition postponed, 116
- Pamposit, Pamphosit, an Indian, 368
- Papeunquanaut, Papconquenaunt, an Indian, 365, 368
- Papomsham, Popomshant, an Indian, . . 365, 367
- Parker, Elizabeth, administratrix, allowed to sell lands on condition, 490
- Parker, Hannaniah, appointed ensign at Reading, 283
 appointed lieutenant at Reading, . . . 452
 deputy, 421, 437
 James, 236
 deputy, 421
 John, Sergeant, 18, 40
 Joseph, Sen., 490
 Joseph, Jun., 490
 Richard, 402
 Thomas, 18
- Parks, Park, Parkes, John, 173
 allowed eight pounds on account of wounds in service, 207
 Thomas, 207
 petition of, in favor of his son referred, &c., 173
 William, 6, 7, 14, 25, 26, 80, 367, 426, 453
 deputy, 2, 14, 77, 98, 132, 260
 of the committee for Mendon, 40
- Parnell, Thomas, 18
- Parsons, Deacon Benjamin, 417
 Joseph, Sen., appointed cornet of Hampshire troop, 207
 Thomas, 75
- Parsons, Thomas, paid for his cattle, . . . 58
- Partridge, Patrige, Partrigg, Partrig, John, . 274
 and others, answer to their petition, . . 314
- Samuel, 298, 321
 allowed twenty pounds for ferrage at Hadley, 171
 appointed quartermaster of Major Pynchon's troop, 394
 associate for Hampshire, 485
 deputy, 421, 475, 514
- Pascataqua, Piscataqua, 136, 141
 soldiers, &c., to be sent to, 123
 River, 72, 73, 141, 158, 445
- Patch, Abraham, and others, sale of their lands confirmed, 39
 Edmund, 39
 John, appointed ensign at Beverly, . . . 311
 Thomas, 336
- Patchaog Hill, 413
- Patent line and bounds, opinion of the justices of the Court of King's Bench concerning, 163
 north boundary line of, see Mason, and Gorges.
 See Charter.
- Patten, Pattyn, John, 9, 24
 Nathaniel, 9, 24
 decree of the General Court on petition of Thomas Patten respecting estate of, 23
 Thomas, granted a hearing on his petition, 9
 answer to the petition of, 23
- Patteshall, Edmund, 18, 400
 commissioner to hold Courts in Devonshire, 19
 Richard, 401, 488, 489
 paid seventeen pounds two shillings for his brigandine, &c., 494
 Robert, 401
 associate for Devonshire, 30
- Pauataw, Pacataw, Peter, an Indian, . . . 368
- Pautucket, Samuel Hunting and company to make a garrison at, 87
- Payne, Paine, John, granted eighteen hundred acres of land, 41
 Thomas, 169
- Peabody, Pebody, John, 480, 498
 appointed ensign at Topsfield, 394
- Pearce, Pearse, Peirse, Peirce, Peire, Daniel, 336, 483
 deputy, 351, 408, 420
 appointed captain at Newbury, 206
 John, 442
 Richard, Jun., 18
 Thomas, and another, referred to Suffolk County Court, 379
 Captain, 431

- Peirc, Mrs., 122
 Pearson, see Peirson.
 Peck, Pecke, Simon, 454, 471
 Pecker, James, 325
 Peculiars, County Court to decide certain ques-
 tions relating to, 269
 constables of towns to act in, 373
 Pegin, Pegan, Eleazar, 362, 364, 531—533
 Pegwakick, 123
 Peirce, Peirse, see Pearce.
 Peirson, Pearson, George, 426
 John, deputy, 184, 210, 260, 266, 303, 421, 476,
 514
 — [John], deputy, 351
 Pemaquid, 5, 17—20, 162, 168
 Pendleton, Bryan, associate for Yorkshire, . . 31, 87
 and others, granted land for a new planta-
 tion; committee to order it, 37
 allowed twenty pounds for his oxen, &c., . 149
 Major, 102
 Pengrey, Moses, Sen., 336
 Penny, William, 250
 See Creeke, Edward.
 petition to return refused, 286
 Pennymon, James, (deceased,) administrators
 of, empowered to pass deeds of sale, . . 291
 Pepagous, Pepugous, an Indian, 365, 367
 Pepin, Samuel, 246
 See Marshall, Benjamin.
 Pequot Indians, 92
 See Indians.
 Perkins, Edmund, and others, refused permis-
 sion to sell certain real estate, 175
 John, 36, 336
 Susanna, 175
 William, Sen., granted one hundred acres
 of land, 233
 Quartermaster, his account referred to a
 committee, 146
 Perry, Ann, 483
 See Sheffield, Ann.
 Seth, 83
 instructions to, as agent to the sachems
 at Wachusets, 82
 Peter, an Indian messenger, 82
 Peterborough, Earl of, 422
 Petition and address to Charles II., 106, 197, 439,
 456, 495
 and address of the inhabitants of Glouces-
 ter, alias Cape Ann, to Charles II., . . 334
 of the inhabitants of the colony to the
 king, 387, 388
 money, to be divided among members of
 the General Court, 268
 act of the General Court relating to the
 payment of, &c., 269
 Petitions, hearing upon, deferred, on account
 of the war, 89
 Phelps, George, 35
 Philbrick, Thomas, ensign at Hampton, . . . 252
 Philip, 106
 and others, Indian sachems, letter from the
 General Court to, 82, 83
 Philip's war, all accounts of disbursements
 for, to be presented within a certain
 time, 185
 order respecting the accounts of disburse-
 ments for, 190
 Phillips, Henry, deputy, 99, 421
 John, 180, 230, 404, 428, 433, 452—454, 459,
 467, 498, 505
 deputy, 407, 420, 437, 475, 514
 appointed ensign at Charlestown, . . . 252
 lieutenant at Charlestown, 307
 Mary, empowered to sell wood lots, . . . 316
 Rev. Samuel, 233
 See Rowley.
 Samuel, 345
 Thomas, 18
 William, 18
 Phippen, Joseph, 273
 Piambow, Pyamboho, an Indian, 217,
 227, 228, 353—355, 361, 364
 Pickard, John, 336, 498
 deputy, 351, 408
 Pickering, John, 233, 273
 Ensign, 33
 ensign at Salem, 204
 Pigot, Pigott, 526
 Pike, Pyke, Joseph, 336
 James, Jun., 487
 Robert, 149, 187, 321, 372, 382, 414, 420, 421,
 430, 446, 449, 469, 494
 deputy, 302, 309
 chosen Assistant, 350, 407, 437, 475, 513
 associate for Norfolk, 5, 31, 88, 187, 226
 commissioner for Norfolk, 30
 associate for Dover and Portsmouth, 31, 226
 allowed twenty pounds expenses during
 the Indian war, 379
 captain of a troop in Salisbury, &c., . . 419
 authorized to enlist a troop, 438
 Major [Robert], 319, 316
 Major, 54, 180, 181
 committee of militia for Salisbury to
 take his accounts, 145
 See Salisbury.
 Pinchon, see Pynchon.
 Pirates, law for the suppression of, 447, 448
 expedition to be fitted out against; Cap-
 tain Sampson Waters commissioned
 as commander, 488, 489

- Piscataqua, see Pascataqua.
- Pittman, John, 442
- Pittyme, Pittome, Pittime, Pittimie, Andrew, 117, 362—364
- Plaisted, Playsted, Roger, associate for York-shire, 31
- Lieutenant, 37
- Planton, Phebe, petition of, denied, 174
- See Blanton.
- Plat, Samuel, 173, 336, 498
- deputy, 309
- Platts, Jonathan, 172, 173
- Plum Island, order relating to the occupancy of, 232
- Plumer, Ephraim, 127
- John, 336
- Samuel, 316
- deputy, 77, 98
- and son, (ferryman,) exempted from im-pressment, 127
- Plymouth, 10, 69, 170, 204, 270, 318
- colony, to be supplied with ammunition for the Indian war, 45
- Governor of, referred to, 97
- letters from the General Court to the Gov-ernor, asking aid for the war east-ward, 125, 126, 141, 142
- letter to the Governor of, respecting the right of fishing, 169
- council of, 334, 335
- to be asked to raise one hundred men for the war, 92
- letters to be sent to, &c., 92
- Point Allirton, 7
- Pomery, Pomry, Pumroy, Medad, 481
- deputy, 133, 421, 437, 514
- Pomhom, an Indian sachem, 82
- Pompectum, an Indian, 365
- Pompositicut, erected into a town, and named Stow, 408, 409
- Poole, Jonathan, 186, 204, 208, 219, 224, 233
- deputy, 133
- appointed cornet of troop, 6
- captain at Reading, 151
- Captain, 146
- Pope of Rome, the doctrine and position that princes excommunicated by, may be deposed or murdered by their sub-jects, abhorred, as impious and heret-ical, 193
- Port regulations; no one to trade with any ship till anchored, &c., 384
- Porter, Israel, appointed ensign at Salem, 317
- appointed lieutenant, 419
- Joseph, 276
- Robert, Sen., 487
- Porter, Samuel, to be paid twenty-five pounds in part for his disbursements, 116
- Portsmouth, 2, 6, 21, 42, 53, 73, 76, 78, 87, 88, 99, 101, 109, 124, 132, 139, 144, 186, 187, 211, 226, 231, 245.
- hearing ordered on petition of selectmen of, 6
- commissions withdrawn from persons living in, 263
- See Dover.
- Postmaster, John Hayward, 147
- John Hayward to be continued, 273
- ship letters to be sent to him, 273
- Pouter, Rachel, petition of, referred to the County Court, 149
- Power of attorney, answer to a question relat-ing to, 212
- Pratt, Edward, 442
- Prentice, John, 488
- Captain Thomas, 10, 14, 38, 69, 101, 142, 295, 413, 443
- Thomas, deputy, 2, 14
- Captain, 25, 86, 274, 327, 412, 460, 477
- Prescott, Jonathan, messenger to the Indians, 93
- President, Lord, 422
- Press, Rev. James Allin appointed a licenser of, 32
- See Printing press.
- Pretty, Richard, 320, 461
- Price, John, deputy, 210, 260
- Lieutenant, 33
- to be commissioned, 73
- captain at Salem, 151
- Captain, 204, 205, 248
- Pride, John, grand juror, 18
- Prince, Richard, 21
- Printer, James, 362, 368
- Printing press, in Boston, Samuel Sewall au-thorized to manage the, 323
- Samuel Sewall released from the manage-ment of, 452
- See Press.
- Prison, order for repairing the, 237
- salary of the keeper, how to be paid, 237
- to be kept apart from the bridewell, 237
- committee to examine the affairs of the, 237
- &c., in Boston, to be repaired; committee to order, &c., 275
- Privateers and pirates, law against, 447
- Privy seal, lord, 422
- Probate, County Courts made also Courts of, 478
- County Courts to be Courts of, 503
- powers of the Courts defined, 504
- explanation of the Courts' powers of, 508, 509
- repeal of the law of October 4, 1685, relat-ing to, 509

- Protective tariff of duties on cattle, horses, sheep, and swine imported from other colonies, 292, 293
 law relating to cattle, &c., from other colonies repealed, 309
- Prout, Captain Timothy, 511, 516
 deputy, 476, 514
 appointed captain of the fortifications, artillery, &c., in Boston, 419
 his soldiers liable to keep the watch, . . . 446
 appointed surveyor general, in room of Anthony Stoddard; committee to transfer stock from Mr. Stoddard to, . 501
 Timothy, Sen., surveyor for the port of Boston, 374
- Providence River, 365, 369
 See Kuttatuck, and Nipmug.
- Province of Maine, see Maine.
- Provisions, export of, prohibited, 52
 committee to search vessels for, 52
 exportation of, prohibited, 65
 inspectors to prevent the exportation of, . 65
 law against exporting, repealed, 194
- Punckepauge, Puncapaug, Punkapauge, 57, 136, 165, 167, 327
 See Indians.
- Purchis, Purchase, Oliver, 204, 219, 473
 deputy, 437, 476, 514
 chosen Assistant, 475
- Putnam, Putman, John, 224, 276
 deputy, 265, 302, 514
 lieutenant at Salem, 206
 See Baker, Thomas.
- Jonathan, 273
 Nathaniel, 357
 See Allin, James.
 and others, committee appointed to settle the bounds of, 325
 appointed lieutenant at Salem village, . 394
 Thomas, Jun., 377
 Mr., 357
- Pyambow, Pyamboho, see Piambow.
- Pynchon, Pinchon, Pinchen, John, 13, 14, 31, 94, 96, 103, 117, 132, 154, 165, 167, 170, 171, 185, 192, 205, 207, 209, 239, 270, 290, 310, 322, 372, 375, 394, 410, 411, 421, 444, 481, 490,
 chosen Assistant, 1, 27, 77, 131, 183, 210, 265, 308, 350, 407, 436, 475, 513
 and William Clarke, petition of, relating to the plantation near Hadley, and answer of the General Court thereto, . 9
 oath of allegiance taken by, 209
 commission as agent sent to the Governor of New York, 299
 sent on a mission to Governor Andros, respecting the incursions of the Maquas, 299
- Pynchon, John, instructions of the General Court to, 299, 300
 report of, respecting the Mohawks, . . 319, 320
 allowed twelve pounds for services with the Maquas, 321
 communication from, relating to an island in Connecticut River, 329
 island in Connecticut River granted to, . 330
 to be paid five pounds, expenses to Hartford, 360
 and others, granted one thousand acres of land, &c., 482
 and others, granted a tract eight miles square, on condition, 486
 Joseph, associate for Hampshire, . . . 226
 deputy, 309, 351
 Major, 192, 309, 317, 318
 allowance for the expenses of his mission to the Mohawks, 138
 to lay out a new road to Connecticut, . 394
- Quaker meetings, law in addition to the law against, 134
- Quakers, 198, 287, 322, 347
 persons frequenting meetings of, to be punished, 60
 law against the importation of, to be strictly enforced, 60
 answer of the General Court to the royal objections to their treatment of, . 198, 199
- Quanesusset, 488
- Quansigamond, Quansigamond, Quansigammon, (Worcester,) bounds of, described and approved, 413
 to be called Worcester; landmark established, 460
 Pond, 413
- Quateseck, grant of seven miles square for a village near, 426
- Quesasuck, Sasa, an Indian, 368
- Quilter, Francis, 224
 order in favor of, 224
 Joseph, 225
 allowed his costs, 225
 Marke, 224
 (deceased,) will of, declared null and void, and order of the General Court disposing of the estate of, 224
- Quiniabauge, 328
- Quinsey, Lieutenant Edmund, 121, 421, 487
 deputy, 42, 260, 309
 released from administering on the estate of John Rayner, 174
 captain at Braintree, 459
 Lieutenant, 86
- Quoboag, Quaboag, Quopaug, 75, 93, 146
 soldiers' quarters to be built at, 74

- Quoboag, carpenters, &c., ordered for building the quarters, 74
 garrison to be supplied with provisions from the river towns, 84
 to have an immediate supply of a week's provisions, 84
 Sergeant Ephraim Savage to command the garrison at, 84
 guard for the provisions to be sent to, . . . 85
 Quochecho, 136
 Quo warranto, writ of, served upon the Governor and Company of Massachusetts Bay, brought by Edward Randolph, read in the General Court, 421
 Raccoon furs not to be exported, 28
 Randolph, Edward, . . . 106, 118, 119, 421, 425
 tobacco seized by, to be restored, . . . 298
 royal letter brought by, read in open Court, 333
 king's commission to, as collector, read in the General Court, 333
 messenger to New England, with the *quo warranto* writ and king's declaration, 422
 deputation of, as surveyor of New England, by William Blathwayt, . . 526—529
 nomination of, as deputy surveyor of New England, from the treasury chambers, Whitehall, 529
 attestation of his deputation, &c., by the secretary, 529
 Mr., 382
 Rawson, Rauson, Ann, 105
 Edward, 17, 38, 40, 44, 53, 54, 68, 78, 82, 83, 97, 120, 139—144, 152, 164, 166, 168—170, 176, 179, 218, 219, 221, 229, 230, 256, 257, 277, 281, 301, 313, 319, 322, 349, 354, 356, 365, 371, 380—382, 386, 387, 390, 392, 396, 399, 400, 402—406, 424, 425, 429, 431, 434, 436, 439, 441, 444, 451, 459, 462, 468, 471, 481, 485, 492, 493, 498, 505, 513, 515, 516, 529—531, 533.
 chosen secretary of the colony, 1, 27, 77, 132, 184, 210, 265, 308, 350, 407, 437, 475, 513
 allowed forty pounds, for extra service as secretary, &c., 171
 granted fifty pounds, 252
 allowed thirty-four pounds, for extraordinary service as secretary, 306
 granted five hundred acres of land, . . . 418
 his purchase of land confirmed, 484
 return of five hundred acres of land laid out for, approved, 515
 William, granted a hearing, 104, 105
vs. Abraham Briggs, judgment of the General Court in the case, 121
vs. Habakkuk Glover and others, judgment of the General Court in the case, 121
 Rawson, Mr., 234
 deed from Thomas Awassomoag to, 533—535
 Rayment, George, 336
 Raymond, Raymon, William, 487
 deputy, 476, 514
 lieutenant of Beverly and Wenham troop, 410
 Rayner, Elder, 497
 See Reyner.
 Read, Reed, Israel, refused a license to keep an ordinary, 460
 Samuel, 454, 471
 three pounds, twelve shillings remitted to, &c., 316
 (wounded soldier,) paid two pounds, and exempted from taxes, trainings, and watchings, 485
 (wounded soldier,) committee to inquire and report about, 511
 William, constable of Weymouth, order for his relief, 173
 Reading, 56, 127, 133, 151, 233, 260, 266, 283, 295, 303, 408, 421, 432, 437, 452, 460, 476, 487, 514.
 time for hearing the case of, appointed, . . 186
 Records of the General Court, secretary allowed seventy pounds for transcribing, &c., 23
 letters from the king, &c., with the Court's answers, to be transcribed into a book by themselves, 454
 Recorders and clerks of County Courts to be sworn, 3
 their oath, 3
 Redding, Ellinor, order for the relief of, . . 483
 Reddington, Abraham, 479, 480
 deputy, 514
 Reith, Richard, surveyor at Marblehead, . . 374
 Remington, Mr., 332
 Revenue, order for a tax, 16
 prices of grain in payment of the tax fixed, 16
 abatement of one quarter if paid in money, 16
 tax to defray the expenses of the Indian war, 44
 troopers and their horses not exempted from the Indian war tax, 45
 three rates to be levied for the expedition against the Indians, &c., 45
 troopers and Castle soldiers to pay poll tax during the Indian war, 49
 committee to farm out the customs, . . . 51, 52
 seven single rates to be levied, for expenses of the Indian war, 55
 prices of grain in payment of the rates fixed, 55
 table of each town's proportion of the rates, 55, 56

- Revenue, rates, how transmitted to the Treasurer, 66
 nine rates to be raised in Yorkshire county, 76
 nine rates to be assessed in the county of Dover and Portsmouth, 76
 ten rates to be assessed for the war, 81
 a duty of one shilling per ton levied on certain vessels, &c., 242
 Rey, Joshua, 275
 Reyner, Reynor, Francis, administrator on the estate of John Rayner, 174
 Frances, (widow,) committee to inquire, &c., for the relief of, 190
 petition of, granted, &c., 218
 Jackim, and another, petition referred to the next Court, 208
 John, administrator on the estate of, 174
 John, Sen., 208, 218
 Mr., 190
 See Rayner.
 Reynolds, Nathaniel, Lieutenant, 33
 Reynoll, Nicholas, 400
 Rice, Rise, Edward, 36, 253
 allowed two pounds for carrying warrants to Springfield, 205
 Henry, 354
 Joseph, deputy, 421
 Samuel, 253
 Matthew, committee to examine and report on petition of, 464
 Richard, ship, 383
 Richards, James, chosen Assistant, 436
 John, 27, 34, 40, 51, 57, 68, 83, 90, 100, 128, 129, 222, 227, 237, 238, 244, 250, 255, 269, 272, 278, 281—283, 289, 290, 301—304, 313, 317, 322, 332, 341, 371, 413, 414, 416, 417, 420, 421, 430, 434, 436, 441, 446, 449, 453, 465, 467, 469, 472—474, 476, 480, 484, 487, 492—494, 501, 506, 508, 512.
 deputy, 42, 99, 210, 260
 chosen speaker, 261
 chosen Assistant, 265, 308, 350, 407, 475, 513
 captain of a company in Boston, 32, 33
 chosen one of the agents to England, 307, 346
 messenger to the English court, 333
 allowed fifty pounds for public service, 377
 commission as agent to England, 386, 387
 instructions to, as agent, &c., 389, 390
 appointed sergeant major of Boston regiment, 418
 allowed fifty pounds for service in England, 426
 allowed to erect a wooden lean-to in Boston, 506
 Richards, Mr., 352
 Captain, 52
 Richardson, John, 345
 Thomas, granted a certain tract of land, 442
 Ricks, John, and others, answer of the Court to, respecting a mortgaged estate, 264
 Riggs, Thomas, 336
 Rishworth, Edward, 88, 100, 103
 deputy, 2, 42, 78, 99, 211
 report from, on Foxwell and Cumins's land claim, 11
 associate for Yorkshire, 31, 87, 145, 226
 allowed three pounds for transcribing public writings, 127
 Court's order for a payment to, 235
 Mr. [Edward], vs. Captain Scottow, judgment of the General Court in the case, 121
 Roads, John, and others, consideration of their petition deferred, 45
 and others, (criminals,) to be saved from execution on conditions, 66
 Robin, Cook, an Indian, 368
 Old, an Indian, 216, 217
 Robbins, William, 487
 Rock, Rooke, Joseph, administrator of Mrs. Martha Coggan's estate, 23
 Mr., 27
 Rode, an Indian sachem, 461
 Rodriego, Peter, pardoned, 40
 Rogers, Elizabeth, (administratrix,) empowered to sell lands, under advice of the County Court, 459
 John, 336, 443
 Rev. John, 459
 allowance to, as president of Harvard College, 352
 to have his salary as president of Harvard College paid once a quarter, 445
 (deceased,) two years' salary of, as president of Harvard College, allowed to his widow, 451
 Samuel, 336
 Mr., 497
 Mrs., 233, 451
 Roote, Rootes, John, 142
 allowed fourteen pounds in full of all demands, 300
 Rosewell, Sir Henry, 334, 335
 Rossiter, Edward, 483
 Row, Elias, surveyor at Charlestown, 374
 Rowlandson, Roulison, Rev. Mr., 75
 Mr., 82
 Rowley, 2, 16, 42, 56, 77, 99, 132, 210, 260, 266, 268, 274, 280, 295, 303, 309, 325, 394, 408, 421, 432, 475, 483, 501, 514.

- Rowley, action of the General Court relating to military affairs of, 7
 &c., hearing on the town and church difficulty granted, conditionally, 149
 officers appointed for the military company of, 172
 order of the General Court commanding obedience to the military officers in, . 172
 judgment of the General Court in relation to church difficulty at, 172
 judgment of the General Court in the case of Rev. Samuel Phillips, of, 233
 council of churches called to settle difficulties of, 245
 annexed to the port of Salem, 383
 agreement for setting off Rowley Village from, consented to by the Court, 497, 498
 Village, soldiers of, where to train, . . 16
 persons living in, to do military duty at Topsfield, 455
 order relating to the military of, . . 479
 Roxbury, 2, 38, 42, 43, 56, 73, 77, 98, 103, 132, 151, 210, 251, 260, 265, 268, 294, 298, 302, 362, 365, 369, 407, 420, 426, 437, 475, 514.
 answer of the General Court to the petition of the free school in, 5
 free school, order for paying the rents of Mr. Bell's estate to, 22
 committee appointed to run the line between Dedham and, 25
 and Dedham, report of committee relating to line between, accepted, 37
 time for settling the plantation granted to, extended, 468
 number of jurymen from, 498
 Royall, John, 273
 Ruck, John, deputy, 475
 Ruggles, Rugles, John, 183, 426
 See Hudson, James.
 Samuel, lieutenant at Roxbury, 73
 Samuel, Sen., 364, 367
 empowered to pass deeds of sale, . . 316
 Samuel, Jun., 367
 Russ, Richard, allowed two pounds paid for curing his wound, 206
 Russell, Daniel, 412
 Elizabeth and Sarah, (widows,) allowed to make sale of land, 326
 George, presented with the freedom of Boston, 264
 James, 83, 180, 230, 235, 244, 269, 290, 296, 302, 304, 307, 317, 320, 322, 332, 337, 352, 372, 382, 392, 393, 405, 412, 414, 420, 421, 430, 435, 436, 441, 446, 449, 453, 465, 469, 471, 484, 499, 504, 506, 508, 510, 513.
 deputy, 210, 260
 Russell, James, chosen Assistant, 265, 308, 350, 407, 436, 475, 513
 chosen Treasurer, 265, 308, 350, 407, 436, 475
 allowed one hundred and fifty pounds on his father's (Richard Russell's) accounts, 129
 to be paid the balance of his father's accounts, 148
 to have the rates on wines, &c., for his salary as Treasurer, 284
 lands confirmed to, 406
 order for discharging the accounts of, as Treasurer, 429
 discharge of his accounts as Treasurer from the Governor and Company to, 434—436
 discharge of his accounts as Treasurer, 492, 493
 declines to continue as Treasurer, . . 499
 discharge of, in full, as Treasurer, . . 512
 John, 271
 Rev. John, 411
 See Tylton, Peter.
 to be paid one half his accounts in money, 174
 Jonathan, 299
 Mary, 83
 (administratrix,) empowered to sell real estate, &c., 235
 Prudence, 235
 Rebekah, 174
 Richard, 14, 43, 46, 52, 58, 70, 78, 148, 406, 435, 436, 452, 454
 chosen Assistant, 1. 27. 77
 Treasurer, 1. 27. 77
 (Treasurer,) certain powers granted to the executors of, 83
 committee to audit the accounts of, . . 83
 late Treasurer, reports of the committee for auditing the accounts of, . . 128, 129
 deed from Isaac Walker to, 405
 (deceased,) order for discharging his accounts as Treasurer, 429
 discharge of his accounts as Treasurer from the Governor and Company to his executor, 434—436
 Captain Thomas, 235
 Mr., 52, 428
 Sabbath, act for punishing the violation of, 133
 act for preventing the profanation of, . . 155
 order for preventing the profanation of, . 239
 order as to the public reading of the laws for keeping, 243
 Saco, 57
 River, 11
 Sacomit, Sosamit, Simon, 362, 364

- Saffin, Saffyn, John, 443, 445, 467, 473, 476, 484, 487, 493, 512, 516
 deputy, 437, 476, 514
 chosen speaker, 514
 Mr. [John], 464
 Saggieluck, Saccadehock, 11, 18—20
 Sailors not allowed to run in debt in any port
 of the colony except, &c., 372
 Salamander, the ship, 127
 Salaries of the Governor and magistrates to be
 as in the previous year, 454
 Salem, 2, 8, 33, 41, 43, 54, 56, 68, 77, 98, 104, 127,
 132, 143, 151, 172, 187, 206, 210, 218, 243,
 245, 247, 260, 265, 268, 272, 295, 302, 308,
 317, 324, 337, 343, 350, 357, 377, 407, 415,
 419, 420, 437, 442, 475, 510, 514.
 foot company of, to be divided into two
 companies, 22
 officers appointed to the first and second
 foot companies in, 33
 farmers, committee to view and report on
 lands granted to, 34
 committee to adjust the differences be-
 tween Mr. John Higginson and, 34
 committee's report relating to church diffi-
 culties at, accepted, 67
 authorized to impose ten pounds fine on
 persons refusing to serve as constable, 80
vs. Beverly, time for hearing case of, ap-
 pointed, 186
 military companies, order respecting, 204
 military officers of, appointed, &c., 206
 and Beverly, committee to settle differ-
 ences between, 208
 order for repairing the fortifications of, 249
 time for hearing the case of, appointed, 251
vs. Wenham, Court's judgment in the case
 of, 276
 number of taverns, &c., in, fixed, 305
 fortifications at, to be repaired, 352
 surveyors for the port of, 374
 ordered to mount its great artillery, &c., 380
 made a lawful port, 383
 liberty given to enlist soldiers in the troop, 419
 Court, 429
 &c., Benjamin Gerrish appointed naval
 officer for, 438
 number of jurymen, 498
 Village [Danvers], 295, 394
 order for forming a new foot company
 in, 172
 report of committee respecting the
 bounds of, &c., 223
 petition of, for a settled minister, grant-
 ed; salary of minister to be sixty
 pounds; order as to deacons, 247, 248
 Salisbury, 56, 75, 88, 145, 260, 266, 281, 283, 295,
 302, 309, 331, 419, 438, 485
 annexed to the port of Salem, 383
 committee to settle the civil and ecclesi-
 astical troubles in, 144
 report of committee relating to church dif-
 ficulties at, accepted, 180
 return of committee respecting dissensions
 in, 181
 County Court to be held at, 245
 and other towns reunited to Essex county, 264
 land records of, where to be kept, 264
 Nathaniel Clarke appointed naval officer
 for, 439
 Salisbury, Captain, letter to, from the General
 Court, respecting the Macquas, 166—168
 Sallous, Thomas, 404
 Salter, Mary, her case referred to Suffolk Court, 245
 case of, to be heard at the May session, 469
 (executrix,) allowed the renewal of an
 execution, 485
 William, 485
 Saltonstall, Saltenstall, Saltingstall, Nathaniel, 156,
 239, 260, 290, 322, 325, 332, 372, 414, 420,
 421, 446, 449, 465, 469, 472, 494, 506.
 chosen Assistant, 210, 265, 308, 350, 407, 436,
 475, 513
 appointed an associate for Norfolk county, 5
 commissioner for Norfolk, 30
 associate for Norfolk, 31, 88, 145, 187
 invested with magistratical power, 88, 145, 187
 elected an Assistant by the towns, 209
 to command one of the regiments in Essex, 295
 Richard, 290, 302, 322, 332
 chosen Assistant, 265, 308, 350
 Captain, 316
 Major, 418, 431
 Sam, an Indian sachem, 82
 Sam Seeg, an Indian, 368
 Samborne, John, appointed lieutenant at Hamp-
 ton, 252
 Samp, a present of, to Charles II., 156
 Samuel, sagamore of Nashaway, 39
 Sanderson, Mary, 248, 249
 See Lyndon, Mary.
 empowered to do certain acts, 280
 Robert, 147
 See Sanderson.
 Sanford, Sanford, John, 314
 Peleg, to be paid the balance of his ac-
 count, 360
 Sarah, (widow,) referred to the County
 Court, 314
 Sarah, an Indian woman, 216
 Sares, Sears, John, 405
 Sargent, John, 37

- Sargeant, B., 529
- Sarighto, an Indian sachem, 461
- Sasequasuck, Sasequasacuck, an Indian, 365, 366
- Saunderson, Robert, and another, contract with,
as mint masters, approved, . . . 43, 44
See Sanderson.
- Savage, Captain Ephraim, 418
- Ephraim, to command the garrison at Quo-
boag, 84
appointed ensign in Boston, 173
appointed captain, 341
- Major Thomas, 73, 94, 144, 181, 182, 283, 289,
290, 302, 304, 317, 322
deputy, 132, 184
chosen speaker, 133, 184
chosen Assistant, 265, 308
appointed commander-in-chief of the
forces at Medfield, 72
commission of, as commander-in-chief
of the expedition against the Indians, 74
time appointed for hearing his case, . . 232
vs. Samuel Appleton, Jun., judgment of
the General Court in the case, . . . 246
- Captain Thomas, 173
appointed ensign to Major Savage's com-
pany, 75
chosen speaker, 154
deceased, his son Ephraim appointed
captain, 341
- Captain, 32
- Major, 75, 309
ordered to join the Connecticut forces
with those under his command, . . . 74
- Sawin, Thomas, 355
allowed to purchase land of the Natick
Indians, 511
- Scarborough, 2, 11, 182
- Scarlet, John, 296
petition of, denied, 173
- Schools, towns of five hundred families to
maintain two grammar and two writ-
ing, 414
- Scotch immigrants allowed to settle in the
Nepmug country, 263
- Scottaway, Lieutenant, and fifty soldiers, to be
sent for the defence of Saco, &c., . . 57
- Scottow, John, 176—179
Captain Joshua, 286
encouraged to recover the fort at Black
Point, 129
and others, arms and ammunition con-
ditionally granted to, 182
and others, referred to the law for satis-
faction, 182
hearing refused to, for reasons, . . . 282
associate for Yorkshire, 226
- Scottow, Captain Joshua, grant of five hundred
acres confirmed to, 490
allowed five hundred acres of land addi-
tional, 515
- Mr., 102
report of committee relating to the ac-
counts of, 102
- Captain, 121
See Rishworth, Mr.
- Scripture vouched, 100, 144
- Scyll, Captain Joseph, dismissed from his com-
mand, 126
- Captain, 73
and company, ordered to join Captain
Hinchman at Hassanemisit, 69
See Sill, Joseph.
- Seaconcke, 97
- Sean, Jaco, an Indian, 367
- Searle, Ephraim, lieutenant at Boston, . . 311
- Sears, Saers, Seares, Hesther, 379
John, referred to the County Court for a
final answer, 379
deed of Long Island to Isaac Walker
from, 403, 404
See Sares.
- Seaver, Seavor, Caleb, 207
- Sea wall at Boston, undertakers of, invested
with certain powers, 310, 311
- Sebastian, sentence of, commuted, 117
- Secretary chosen: Edward Rawson, 1, 27, 77, 132,
184, 210, 265, 308, 350, 407, 437, 475, 513
allowed twenty pounds for extra service, . 90
to be allowed twenty pounds more for extra
service, 122
- Selman, John, 18
- Serjant, William, 336
- Servitude of persons taken by execution, act
for the regulation of, 415
- Seville coin to pass as current money of New
England, 373
- Severance, John, 281
order on petition of, relating to three towns
late of Norfolk county, 316
order of the General Court in answer to
the petition of, 331
- Sewall, Seawall, Henry, 336, 427, 428, 430, 433, 434,
449, 465, 469, 472, 479, 484, 494, 500, 506,
508, 535.
- Samuel, deputy, 421
chosen Assistant, 437, 475, 513
authorized to manage the printing press, 323
to be paid ten pounds, seventeen shil-
lings, for printing an election sermon, 418
restored to his former captaincy, . . . 426
freed from the management of the print-
ing press, 452

- Sewall, Samuel, allowed to build a wooden porch to his house in Boston, . . . 456
- Sewossasco, an Indian, . . . 368
- Shackdricquis, an Indian sachem, . . . 461
- Shapleigh, Shapley, Nicholas, . . . 88, 103
- petition of, and order of the General Court in relation to his fine and imprisonment, . . . 7
- order of the General Court respecting the fine of, . . . 8
- authorized to negotiate a peace with the Eastern Indians, . . . 72
- (deceased,) new overseers of the estate of, appointed, . . . 452, 454
- (deceased,) Robert Knight appointed to sell the estate of, &c., . . . 459
- Major, . . . 26
- Sheafe, Sampson, . . . 153
- allowed to erect a timber building in Boston, . . . 431
- Sheep, see Wool.
- Sheffield, alias Perry, Ann, (widow,) allowed to sell real estate, . . . 483
- Edmund and William, petition of, granted, 37
- Court's answer to, respecting a deed of sale, . . . 361
- William, granted forty acres of land, . . 23
- grant of forty acres of land to, &c., . . 282
- Shepherd, Shephard, Shephards, Andrew, . 176
- account of debts due from the estate of, —179
- See Emery, Martha.
- Jeremiah, . . . 284, 285
- John, answer to his petition, . . . 517
- Samuel, . . . 274
- Thomas, . . . 146
- Mr., . . . 172, 178, 297
- Mrs., . . . 177
- Sherborne, . . 230, 329, 342, 354, 415, 485, 533, 535
- grant of a tract of land, to be called, . . 23
- committee for exchanging lands, &c., . . 37
- inhabitants conditionally exempted from certain rates, . . . 206
- agreement of, with Natick Indians, for exchange of four thousand acres of land, ratified by the General Court, . . 227, 228
- report of the committee on the affairs of, accepted, . . . 229
- and Medfield, one hundred and twenty pounds remitted to, . . . 274
- committee appointed to order the prudentials of, . . . 283, 289
- committee to settle the differences of, . . 289
- rates of, for two years, appropriated to building meeting house and minister's house, . . . 345
- Sherborne, order for organizing a military company at, . . . 377
- brandmark established, . . . 394
- grant of land near Boggestow confirmed to the grantees, and named, . . . 443
- to belong to Middlesex county, . . . 443
- Sherman, John, captain at Watertown, . . 282
- petition of, relating to a piece of land; committee empowered to act thereon, 480
- vs. Watertown, committee's report in the case, . . . 491
- Rev. John, committee of the petition of, . 313
- Rev. Mr., . . . 330
- Ship passengers, &c., not to leave port or remain on board without a government permit, . . . 290
- Shippen, Edward, . . . 325
- Shipscott, . . . 122
- Shoare, Sampson, . . . 36, 186, 205
- See Leveret, Hudson.
- Shohomogocks Hill, . . . 234
- Shoniow, sachem of Nashaway, . . . 39
- Short, Henry, cornet of Newbury and Rowley troop, . . . 432
- Shrimpton, Samuel, Noddle's Island confirmed to, . . . 413
- and Joseph Dudley, compensation of, for public service, voted, . . . 490
- to be paid nine pounds demurrage of Mr. Foy's ships, . . . 496
- Sibequat, Sebaqueat, an Indian, . . . 367, 368
- Sill, Joseph, allowed a share in the eight miles' grant in the Nipmug country, . . . 506
- See Scyll.
- Silver, see Mines.
- Skelton, Mr., . . . 357
- Skinner, Thomas, . . . 222, 272, 317
- Small, Smalle, Francis, deed from, to Isaac Walker, . . . 404, 405
- Small pox, day of humiliation, &c., appointed on account of, . . . 509
- Smelt Brook, in Braintree, . . . 297
- Smith, Abraham, . . . 510
- Chilliab, . . . 321
- Lieutenant John, . . 35, 321, 375, 432, 433, 473
- deputy, . . . 420, 437, 476
- chosen Assistant, . . . 513
- authorized to administer oaths in a certain case, . . . 10
- appointed captain at Hingham, . . . 394
- Katherine, referred to Suffolk County Court for answer, . . . 325
- Mary, . . . 321
- Michael, . . . 432, 433
- Philip, Lieutenant, . . . 299
- deputy, . . . 133, 266, 309, 351, 408, 437

- Smith, Philip, lieutenant at Hadley, 189
 associate for Hampshire, 317, 356, 443
 appointed lieutenant of Hampshire county
 troop, 207
 and others, (guardians,) allowed to sell a
 house, 321
 Richard, 178
 Samuel, authorized to solemnize marriage,
 &c., in Hadley, 149
 discharged from military duty, at his re-
 quest, 189
 associate for Hampshire county, 187, 226, 279
 Sarah, 432, 433
 Mr., 73
 Snapsacks, see Knapsacks.
 Snelling, Mr., 178
 Soldiers, wounded, general order relating to, . 226
 Solicitor general, objections by, to laws of Mas-
 sachusetts answered, 198
 Solomon, an Indian, 216
 Solomon, Elizabeth, 217
 Somersby, Anthony, 272
 Sosoquaw, an Indian, 365, 366
 Southfield, alias Suffield, 12
 brandmark for, 324
 See Suffield.
 Southward, Constant, 169
 Speaker chosen : Isaac Addington, 476
 Peter Bulkley, 78, 99
 Elisha Cooke, 408, 421
 Daniel Fisher, 266, 309, 351
 John Richards, 261
 John Saffin, 514
 Thomas Savage, 133, 154, 184
 Richard Waldron, 2, 15, 42, 211
 John Wayt, 438
 Speene, James, 216, 217
 Sprague, John, appointed captain at Malden, . 483
 Richard, 351, 359, 380, 393, 416, 427, 429, 433,
 435, 436, 473, 476, 484, 487, 492
 deputy, 308, 351, 407, 420, 475, 514
 captain at Charlestown, 307
 Captain, 309, 316, 480
 Samuel, appointed lieutenant at Malden, . 483
 Springfield, 2, 12, 42, 43, 56, 77, 92, 132, 205, 236,
 266, 268, 309, 311, 329, 342, 408, 410, 411,
 437, 480, 490.
 selectmen authorized to make a new tax
 list, on account of losses by the
 enemy, 92
 taxes abated, on account of losses by the
 Indians, &c., 125
 brandmark for, 324
 judgment of the General Court in the case
 of, 328
 bounds of, established, 444
 Springfield, agreement as to the bounds between
 Northampton and, confirmed by the
 Court, 481
 allowed to pay its money rate in corn, . . 483
 Squakeage, Squaheag, 89, 486
 committee to order the plantation of, . . 360
 petition of William Clarke as to bounds
 of, granted, 482
 Squampscot, 109
 Squire, Philip, 271
 Stacy, Stacie, Simon, 336
 deputy, 475, 514
 appointed ensign at Ipswich, 394
 Start, Mr., 168
 State papers, committee to take charge of cer-
 tain, 516
 Staunton, Daniel, 488
 Stebbins, Thomas, Lieutenant, 411
 Steele, Samuel, 358
 allowed twenty-one pounds for diet of a
 wounded soldier, 282
 Stephens, see Stevens.
 Stermes, Nathaniel, 463, 464, 486, 491
 deputy, 420, 437, 476, 514
 Stevens, Steevens, Stephens, Steephens, Eras-
 mus, ensign at Marblehead, 419
 James, 336
 deputy, 99, 261, 266, 421, 437, 514
 John, ensign at Andover, 419
 Joseph, 442
 Sarah, to be reimbursed to the amount of
 four pounds, 189
 (widow,) order of the General Court in
 her favor, 442
 Thomas, 408
 William, deputy, 303
 —, 494
 Stileman, Styleman, Elias, 100, 156
 deputy, 132
 appointed a magistrate at Dover, 5
 commissioner for Portsmouth, 30
 associate for Dover and Portsmouth, 31, 88, 186
 associate for Dover, 145
 appointed captain of the fort at Ports-
 mouth, 73
 invested with magistral power, 101, 145,
 186, 226
 Captain, 143, 232
 Stokes, Henry, 18
 Stoddard, Anthony, 6, 14, 27, 51, 70, 83, 84, 105,
 128, 129, 222, 225, 227, 237, 238, 244, 250,
 255, 268, 269, 272, 275, 285, 422, 501.
 deputy, 2, 14, 42, 43, 77, 98, 132, 184, 210, 260,
 265, 302, 308, 351, 407, 420, 437
 an executor of Governor Bellingham's will, . 24
 committee's report on the accounts of, . 499

- Stoddard, Simon, appointed ensign. 311
 Solomon, to be paid twenty pounds due
 him. 226
 Mr. [Anthony]. 227, 339, 467
 Mr., 52, 142, 237, 303, 317
 Stone, David, 354
 John, 230
 deputy, 351, 407
 Simon, 464
 deputy, 184, 210, 260, 266, 302, 308, 351, 407,
 420, 437, 514
 Stony Brook, 444
 Story, William, 225
 Stoughton, Staughton, William, 7, 8, 14, 34, 35, 43,
 46, 58, 68, 70, 98, 100, 103, 117—119, 130,
 163, 185, 197, 260, 268, 279, 283, 289, 290,
 294, 299, 302, 304, 307, 313, 315, 322, 329,
 331, 332, 342, 353—355, 361, 362, 365, 366,
 369—372, 382, 412, 414, 420, 421, 427, 429,
 430, 433, 480, 487, 492, 494, 500, 506, 508.
 chosen Assistant, 1, 27, 77, 131, 183, 210, 265,
 308, 350, 407, 436, 475, 513
 commissioner for the United Colonies, 1, 27, 77,
 265, 308, 350, 407, 436, 475, 513
 commissioner in reserve, 131
 to hold the Courts for Norfolk county, . . . 5
 appointed to hold the Courts in Dover,
 Portsmouth, and York counties, . . . 87
 bearer of an address to the king from the
 General Court, 106, 107
 instructions to, as agent in England, 113—116
 captain at Dorchester, 151
 to receive one hundred and fifty pounds
 gratuity, for service as agent in Lon-
 don, 263
 chosen one of the agents of the colony to
 England, 304
 (administrator,) empowered to pass a deed, 315
 granted one thousand acres of land, . . . 343
 chosen one of the agents to England, &c., 346
 and others, to hold a Court in Essex, . . . 398
 and others, township of land granted to, . 408
 and others, time for settling the grant of
 land to, extended, 467
 and Joseph Dudley, plat of eighteen hun-
 dred acres confirmed to, 488
 Mr. [William], 339, 340, 352, 426
 Mr., 129
 Stover, John, 18
 Stow, 517
 Pompositticut plantation erected into a
 township, and called, 408, 409
 Stow, Nathaniel, 317
 surveyor's return of his farm allowed, . . 358
 Samuel, allowed to purchase land of the
 Indians, 411
 Strangers in Boston to give security for their
 fidelity, &c., 47
 Stride, John, 51
 Stuart, Nicholas, 339
 Sudbury, 2, 6, 56, 83, 85, 93, 96, 142, 211, 230, 260,
 266, 268, 295, 302, 342, 408, 420, 437, 464,
 515.
 a frontier town, 79
 taxes abated, on account of losses by the
 Indians, 124
 River, 465
 Suffield, report of committee for laying out the
 plantation of, accepted, 12, 13
 allowed to pay its money rate in corn, . . 493
 See Southfield.
 Suffolk county, . . . 32, 156, 236, 323, 332, 369, 533
 troop, officers of, 52
 regiment to be put into a posture of war, . 53
 Indian war tax, 55
 quotas for the Indian war, . 72, 73, 85, 91, 122
 officers of the troop in, 87
 militia divided into two regiments, . . . 294
 Joseph Dudley chosen sergeant major of, . 306
 Court, . . . 379, 411, 426, 450, 455, 462, 483
 adjourned, 69, 245, 296
 adjourned on account of the General
 Court, 460
 Sumner, William, 453
 deputy, 210, 260, 265, 302, 308, 420, 437, 476,
 514
 Mr., deputy, 184
 Sunderland, Synderland, Earl of, 422
 Court's letter sent to, 270
 letter from the General Court to the, . . 287
 Surveyor general, commission of William
 Blithway as, 521—523
 Surveyors to be appointed in each port; names
 of persons appointed, 374
 land, names of persons appointed, . . . 374, 375
 oath to be taken by, 375
 Swagon, an Indian, 117
 Swaine, Swayne, Sweyne, Jeremiah, 452, 487, 499,
 511
 deputy, 476, 514
 appointed captain at Reading, 233
 Captain [Jeremiah], 283
 Captain, 115, 134, 175, 191
 Swegustagoe River, 273
 Swampfield, committee appointed on petition
 of the inhabitants of, 22
 Swan Island, Indian deed of, to Christopher
 Lawson, 399
 mortgage deed of, from Christopher Law-
 son to Humphrey Davy, 400, 401
 additional deed of, from Lawson to Davy, 402
 Swann, Richard, deputy, 42, 132

- Swann, Robert, deputy, 437
- Swift, Thomas, quartermaster of Suffolk troop, 87
 cornet of a troop in Boston, 418
 Corporal, 86
 Quartermaster, 121
- Swine running at liberty to be ringed, . . . 374
- Symonds, Symons, Harlakenden, 246, 256, 257, 259, 276
- Mary, 276, 314
 allowed to sell lands, on condition, &c., 479
- Rebekah, 276
- Robert, petition of, dismissed, 143
- Samuel, 14, 34, 36, 43, 46, 57, 58, 68, 70, 98, 103, 117, 132, 154, 185, 191, 195, 209, 498
 chosen Deputy Governor, 1, 27, 77, 131, 183
 (Deputy Governor, deceased,) appropriation of twenty pounds for funeral of, 207
 (deceased,) administrators on his estate appointed; estate how to be disposed of, 246
 (deceased,) decree of the General Court for settling the estate of, 256
 marshal general ordered to levy on the estate of, 256
 deputy marshal's return, 257
 inventory of the estate of, . . . 257—259
 Court's judgment respecting his will revoked, 274, 276
- William, 246, 256, 259, 479
 deputy, 78
 associate for Yorkshire, 145, 186
- Mrs., 246, 256, 259
- Synod, result of, recommended and ordered to be printed, 244
 of churches to be convened in Boston on the second Wednesday in September, 1679, 215
- Taffe, Robert, 356
- Tappin, Jacob, appointed ensign at Newbury, . 409
- Tare, Thomas, time appointed for hearing his case, 232
 vs. Isaac Waldron, judgment of the General Court in the case, 245
- Taskanoonda, an Indian sachem, 461
- Tawattanamit, Benjamin, 217
- Taxes, order for enforcing the collection of rates in York county, 88
 six rates to be assessed, 120
 prices of corn, &c., received in payment of rates, fixed, 120, 121
 arrears of the former rates to be paid at same current prices of corn, &c., . . 121
 selectmen empowered to doom for rates, . 139
 arrears in Dover, Portsmouth, and York to be collected, 139
 three single rates to be assessed, . . . 156
- Taxes, three rates to be levied, &c., 195
 four single rates to be levied, 219
 order for collecting arrears of rates in Dover county, 231
 order to levy one rate and a half, 245
 four country rates to be raised; prices of corn established, 296
 one fourth of a single country rate to be raised for supply of the agents, 307, 341
 two and a half single rates to be raised; prices of grain in payment of, fixed, . 324
 arrears, how to be paid, 375
 to be assessed on unimproved lands, 375, 376
 three country rates to be assessed, &c., . 375
 prices of grain fixed for paying, . . . 376, 377
 one single rate to be raised; selectmen how to proceed therein, 398
 two single rates to be raised; prices of corn for, fixed, 417
 half a rate to be raised, for payment of debts, 426
 half a country rate to be raised, for emergencies, 443
 two rates to be raised, 454
 one and a half rates to be raised, . . . 505
 prices of corn fixed for payment of rates, . 505
- Taylor, James, 282
 William, 173, 296
 Mr., 177, 178
- Tenny, Thomas, appointed ensign at Rowley, . 172
 William, deputy, 303
- Thayer, Ferdinand, 454
- Thanksgiving for success over Indians, &c.,
 November 9, 1676, appointed for, . . 130
 appointed for the third Thursday in November, 1677, 156
 appointed for November 25, 1680, . . . 293, 294
 appointed for November 24, 1681, . . . 324
 appointed for November 23, 1682, . . . 376
 appointed for October 9, 1684, 462
- Thatcher, Margaret, (widow,) answer to her petition relating to her husband's estate, 245
- Thomas, 238
 committee on petition of, report made, . 173
 petition of, referred to the next Court, &c., 174
- Thomas, Sen., 238
- Rev. Thomas, 245
 licenser of the press, 4
- Thaxter, John, captain of Hingham troop, . . 281
- Thirell's bridge made a county bridge, . . . 280
- Thirston, Benjamin, Ensign, 33
 John, 529
 deputy, 420
- Thomas, 37, 229, 432, 443
 deputy, 514
 appointed lieutenant at Medfield, . . . 189

- Thirston, Thomas, empowered to solemnize marriage in Medfield, 468
- Thomas, Alice, petition of, referred to the County Court, 94
- Edward, 485
- Rowland, 481
- Thompson, Tompson, Joseph, appointed ensign at Billerica, 189
- Treasurer to settle the accounts of, . . . 485
- lieutenant at Billerica, 419
- Robert, and others, a new township granted to, &c., 408
- granted five hundred acres of land, . . 409
- Samuel, ensign at Braintree, 459
- deputy, 77, 99, 133, 184, 211, 351, 408, 420, 437, 476, 514
- Major, 426, 467
- Ensign, 471
- Thorndicke, Thorndick, Paul, 276
- appointed lieutenant at Beverly, . . . 170
- deputy, 309
- Three County Troop, 6, 17
- quotas for the Indian war, 73, 85, 91
- officers of, 151
- Thurlow, see Thirell.
- Tilton, Tylton, Peter, 15, 170, 185, 290, 322, 414, 421, 446
- deputy, 2, 15, 42, 78, 133, 211
- chosen Assistant, 265, 308, 350, 407, 437, 475, 513
- associate for Hampshire, . 87, 88, 145, 187, 226
- and another, (executors,) Hampshire County Court to review the proceedings of, and report, 411
- Time for hearing cases appointed, . . . 117
- Tipping, Bartholomew, 130
- Tobacco seized by Edward Randolph to be restored, 298
- Todd, John, deputy, 514
- Tom, an Indian, commutation of his punishment for rape, 25
- Tom Dublett, an Indian messenger, . . . 82
- Tompkins, Nathaniel, order for restoring seized leather to, 325
- Topsfield, 16, 56, 268, 295, 394, 410, 421, 437, 455, 460, 514
- Court's decision respecting certain lands in, 415
- Torrey, Samuel, 481
- Rev. Samuel, and Joshua Moody, thanked for their election sermons, and requested to print them, 7
- reimbursed for printing his election sermon, 32
- allowance to, as president of Harvard College, 345
- Torrey, Rev. Samuel, his election sermon requested for publication, 412
- order for paying for the printing of his election sermon, 418
- Captain William, 35, 279, 421
- deputy, 260, 408, 420
- chosen clerk of the deputies, 438
- empowered to perform the marriage rite in a certain case, 17
- granted five hundred acres of land, . . 417
- Tosdicke, John, see Fosdicke.
- Towers, William, referred to a Court of law, . 204
- Town, Toune, Jacob, 415
- petition referred to next session, . . . 410
- Town House, (Boston,) west staircase of, to be covered with lead, 501
- Towns, deserted, order of the General Court respecting their resettlement, . . 213, 142
- Townsend, Joseph, 396
- Penn, 311, 325, 402
- deputy, 514
- Ensign, 33
- appointed lieutenant, 127
- appointed captain at Boston, 298
- hearing of his case granted, 360
- vs. Thomas Johnson, judgment of the Court in the case, 381
- Samuel, 142
- Trades, committee to draw up regulations for certain, 143
- Trainings, order prohibiting retailing stroug drinks at, 211
- Travis, Daniel, to have five pounds per annum, as chief gunner in Boston, &c., . . 306
- Robert, 51
- Tray, Anthony, 361, 364
- Benjamin, 364
- John, 361
- Thomas, 227, 228
- Thomas, an Indian, . . . 353—355, 364, 510
- Treadwell, see Tredwell.
- Treason against the king, law for punishing, . 194
- Treasurer, committee to examine the accounts of the, 15, 341
- auditor's report of the accounts of, . . . 26
- Richard Russell elected, 77
- John Hull elected, instead of Richard Russell, deceased, 78
- Richard Russell, deceased, executors of, to collect arrearages, &c., 83
- Richard Russell, reports of the committee to audit his accounts, 128, 129
- to issue warrants for taking an estimate of estates, &c., 101
- to pay twenty-five pounds for transportation of the agents to England, . . 120

- Treasurer, ordered to bring in his accounts, . . . 137
 committee to examine his accounts, . . . 244
 committee to examine accounts of, reëm-
 powered, . . . 269
 to collect rates on wines, &c., and appro-
 priate them as his salary, . . . 281
 accounts of, presented; committee to ex-
 amine the same, . . . 297
 committee to examine the accounts of, . . . 351
 report of the committee to examine the ac-
 counts of, accepted, . . . 393
 committee to examine accounts of, and re-
 port, . . . 416
 to send one hundred pounds to John Ives,
 London, for public service, . . . 432
 committee to examine the accounts of, . . . 441
 committee to examine accounts of, further
 instructed, . . . 454
 to have for his services one shilling in the
 pound; accounts of, to be audited,
 and discharge given by committee, . . . 464
 committee to settle his accounts, &c., . . . 469
 committee to receive accounts of, and dis-
 charge, . . . 484
 committee to examine accounts of, and
 give discharge, . . . 487
 warrants to be issued for the election of a
 new, . . . 499
 empowered to recover and collect dues
 after the expiration of his term of
 office, . . . 503
 Samuel Newell appointed, . . . 505
 chosen: Richard Russell, . . . 1, 27, 77
 John Hull, . . . 181, 184, 210
 James Russell, 265, 308, 350, 407, 436, 475
 Samuel Nowell, . . . 513
 of the county of Devon appointed, . . . 18
- Treasury, committee to examine into the state
 of, &c., . . . 84
- Treat, Robert, . . . 463
- Treate, Major, . . . 52
- Tredwell, Nathaniel, and John Warner, referred
 to the County Court, . . . 516
- Trescot, William, and another, committee to
 inquire into the difficulty of, . . . 471
- Trick, Elias, grand juror, . . . 18
- Troopers not to be exempted from taxation, . . . 290
 law relating to, repealed, . . . 306
 order for relisting, . . . 311
- Trout, William, . . . 18
- Trowbridge, James, lieutenant at Cambridge
 Village, . . . 73
 petition of, granted, . . . 173
- Trumble, John, . . . 497, 498
 authorized to sell real estate of Henry
 Blackman's child, . . . 38
- Trumble, John, surveyor at Charlestown, . . . 374
 appointed ensign at Rowley, . . . 483
- Tucker, James, . . . 188
 Robert, deputy, . . . 261, 266, 309
- Tufts, Peter, . . . 456
- Turell, Turin, Daniel, appointed ensign, . . . 33
 lieutenant at Boston, . . . 151
 appointed captain, . . . 419
 Daniel, Sen., . . . 422
 Daniel, Jun., . . . 140
- Turner, Ephraim, Ensign, . . . 33
 allowed to resign his office of ensign, . . . 283
 John, . . . 328
 Lucy, (executrix,) her request as to sale of
 lands granted, . . . 328
 Captain, . . . 84
- Twelves, Robert, lieutenant at Braintree, . . . 459
- Tyler, Moses, . . . 498
- Tyng, Ting, Edward, 6, 14, 26, 34, 43, 44, 46, 58,
 68, 70, 80, 98, 103, 106, 117, 132, 143, 154,
 185, 191, 227, 239, 260, 290, 402, 405, 426,
 451, 490.
 chosen Assistant, . . . 1, 27, 77, 131, 183, 210, 265
 of the committee for Mendon, . . . 40
 Jonathan, . . . 501
 committee to settle his and others' ac-
 counts, . . . 105
 allowed twenty pounds towards his ac-
 counts, . . . 127
 granted Weikeset Island, as payment in
 full of all accounts, . . . 430
- Tythingmen, fine of two pounds for refusing
 to serve as; constables to assist, . . . 261
 to be annually chosen in each town, . . . 240
 duties of, prescribed, . . . 240, 241
 oath to be taken by, . . . 241
- Tythingmen's power, . . . 155
- Uncas, an Indian, . . . 58
- United Colonies, Governor Winslow confirmed
 as commander in-chief of the forces of, . . . 69
- Unkety, . . . 51
 See Dorchester Mill.
- Upham, Lieutenant Phineas, . . . 122
 Ruth, to have ten pounds for her support,
 &c., . . . 122
 order providing for her relief, . . . 122
- Usher, Hezekiah, . . . 482
 and company, to be paid the balance of
 their accounts, . . . 343
 and company, to be paid the balance due
 them, . . . 378
 John, . . . 90, 325, 415, 455
 See Waldron, Priscilla.
 quartermaster of a troop in Boston, . . . 418
 Mr., paid for two hundred and ninety-two
 muskets, as per agreement, . . . 22

- Valier, Monsieur de la, Governor of Acadia, . . 373
 Vallack, Nicholas, 18
 Valuation, rates for valuing neat cattle fixed, . 408
 of estates, Treasurer to issue warrants for
 the, 101
 Van Curtland, Cortland, Stephanus, 461
 Varry, Thomas, granted six pounds, 264
 Veal, Veale, —, 488
 Veren, Hilliard, Sen., 324, 438
 collector for the ports of Salem and Mar-
 blehead, 242
 Vile, Arout Corn, 461
 Virginia, 461, 462, 488, 523, 524
 Volunteers, propositions relating to, . . . 94, 95
 minors and servants not to be enlisted with-
 out consent of parents and masters, . . 96
 Vyall, John, allowed to erect a timber brew-
 house, provided, &c., 431
 Vyalis, John, 489
 Waban, 217, 227, 228
 an Indian, 353—355, 361, 364, 369
 Thomas, an Indian, 355, 364
 Wabequala, Wabequalau, an Indian, . . . 367, 368
 Wachuset, Wachusets, Watchusets, . . . 341, 342
 See Indians.
 Wade, Jonathan, 246, 256, 336, 340
 deputy, 308, 351
 captain of the Three County Troop, . . . 151
 &c., hearing of their case, and Court's de-
 cision thereon, 274, 276
 and daughter, time for hearing their case
 appointed, 314
 and another, time appointed for hearing the
 case of, 327
 ordered to fill up his list of troopers, . . 327
 Nathaniel, 456
 Thomas, cornet of Ipswich troop, . . . 419
 Mr. [Jonathan], 259
 Wages of impressed laborers fixed at eighteen
 pence a day, 65
 Waite, see Wayte.
 Wakefield, Samuel, refused liberty to erect a
 wooden frame, 442
 Walamachin, see Black James.
 Waldron, Waldrons, Walderne, Isaac, . . . 245
 See Tare, Thomas.
 time for hearing his case appointed, . . . 254
 hearing in his case granted, 377
 (deceased,) hearing granted to the admin-
 istrators of, and Court's judgment in
 the case, 415
 (deceased,) administrators of, empowered
 to sell land, 455
 Priscilla, 455
 and another, vs. Theophilus Frary and
 others, Court's judgment in the case, . 415
 Waldron, Richard, 15, 53, 88, 100, 135, 137, 149,
 225, 285
 deputy, 2, 15, 42, 99, 132, 211
 chosen speaker, 2, 15, 42, 211
 appointed a magistrate of Dover, 5
 commissioned as a magistrate for York-
 shire, 5
 report from, on Foxwell and Cumins's land
 claim, 11
 appointed sergeant major of forces in York-
 shire, 22
 commissioner for Portsmouth and York-
 shire, 30
 associate for Dover and Portsmouth, 31, 88, 186,
 226
 associate for Dover, 145
 authorized to negotiate a peace with the
 eastern Indians, 72
 invested with magistratical authority, 145, 186,
 226
 invested with magistratical power in Dover
 and Portsmouth, and in York counties, 101
 authorized to administer certain oaths, . . 186
 Wales, John, 273
 and another, (executors,) empowered to
 make sale, &c., 412
 Nathaniel, 273
 Walker, Hannah, answer to the petition of, . 279
 Henry, 336
 Isaac, appointed ensign, 297
 deed of Long Island from John Sears
 to, 403, 404
 deed from Francis Small to, 404, 405
 deed from, to Richard Russell, 405
 acknowledgment of a deed, 406
 appointed lieutenant, 419
 John, 279, 378
 Richard, deputy, 210, 260
 appointed captain at Lynn, 232
 Shubal, 175, 191, 343, 393
 Susanna, 405, 406
 Thomas, Treasurer to pay him his dues, . 499
 Waller, John, administration to the estate of,
 granted to George Burnet, 18
 Walley, John, 238, 275, 311, 432
 and another, answer to petition of, relating
 to seizure of leather, 10
 appointed lieutenant, 279
 commissions of the officers of his com-
 pany renewed, 306
 Wallingford, Sarah, referred to Essex County
 Court, 411
 Wallke, Walke, Ensign, 415
 See Waldron, Priscilla.
 Walter, Walters, Thomas, 225, 331, 455
 Walton, Nathaniel, 279

- Walumpun, Wolampun, Welompane, an Indian, 365—367
 Wamesit, 136, 328
 Wampas, John, 329
 Wampas, an Indian, answer to the petition of certain persons relating to the lands of, 442
 Wannalanset, 68
 and others, to be presented with ten pounds, and clothing, to pacify them, . . . 500
 War, Indian, officers of Harvard College and of the Courts not to be exempted from the tax for the expense of the, . . . 65
 Ward, Benjamin, 251, 340, 356, 511
 Mary, 251
 Samuel, 253, 307, 419
 deputy, 261, 303
 commissioner for small causes at Marblehead, 148
 appointed captain at Lynn, 233
 surveyor at Marblehead, 374
 Wardswill, Nathaniel, 4
 Warner, Daniel, 239, 336
 appointed ensign to company in Hatfield, . 22
 John, 516
 exempted from military duties, . . . 187
 answer to the petition of, 279
 of Cambridge, (wounded soldier,) relieved from training, &c., 189
 of Springfield, granted twenty pounds, towards his disbursements, 189
 Samuel, paid for two oxen, and for other cattle, 58
 and another, Treasurer to pay their allowance, 75
 Thomas, 403
 Warren, Humphrey, 37
 John, 283
 Richard, 18
 Mr., 140
 Warring, Joseph, 274
 Washaame Hill, 39
 Washaken, an Indian sachem, 82
 Watch, military, order relating to, . . . 72
 Waters, Lawrence, order to pay his demand, 120
 Captain Samson, commissioned as commander of an expedition against pirates, 489
 Waters, Walters, William, sworn as constable of Damerill's Cove, 18
 clerk of the writs in Damerill's Cove, . . 19
 Watertown, 2, 42, 43, 56, 77, 98, 132, 205, 210, 251, 260, 266, 295, 302, 313, 407, 420, 437, 514
 military officers appointed at, 282
 committee's report on the controversy at, accepted, 330, 331
 Watertown, petition of John Sherman respecting a piece of land in; committee to act thereon, 48C
 report of committee on the affair between John Sherman and, recorded, by order of the Court, 491, 492
 number of jurymen from, 498
 Watkins, Thomas, 400
 Watson, John, 188
 See May, Abigail.
 Watts, Fort, 445
 Waumshk, Waumsk, an Indian, 365, 366
 Wawaus, 368
 See Printer, James.
 Wawnunet, Wawunhit, an Indian, 368
 Way, Richard, 176
 allowed to keep his Indian girl in Boston, 122
 Waymesitt, Wamesicke, Indians, see Indians.
 Wayte, Waite, Waites, John, Captain, 15, 34, 68, 106, 114, 208, 224, 268, 313, 331, 358, 359, 380, 441
 deputy, 2, 15, 42, 78, 99, 133, 184, 211, 260, 266, 303, 309, 351, 408, 421, 437
 chosen speaker, 438
 allowed to resign his captaincy, 471
 Richard, a wounded soldier, relieved from certain rates, 283
 Captain [John], 309, 316, 325, 339, 340, 480
 Captain, 105, 206
 Webb, John, see Evered, John.
 Mr., 227
 Weeks, Elizabeth, referred to the County Court, 275
 Weights and measures, order for providing certain standard, 244
 order establishing standard, 267
 enactment relating to standard, 339
 Weikeset Island granted to Jonathan Tyng, . 430
 Welcome, William, 18
 Weld, Thomas, 25, 204, 235, 283, 316
 deputy, 98, 132
 Weller, Richard, 360
 Wells, 78, 87, 99, 109, 133, 187, 257
 Wells, Jonathan, 282, 358
 referred for answer to the committee for wounded men, 298
 Mary, order to the Treasurer in favor of, . 174
 Wenham, 56, 211, 251, 266, 268, 276, 295, 302, 419, 471, 514
 hearing in the case of, appointed, . . . 186
 subscription of, to Harvard College remitted, 208
 charges of Court remitted to, 208
 and Beverly, committee to settle the line between, 208
 and Ipswich, hearing in the case of, granted, 345
 See Salem; also Beverly.

- Wentworth, Samuel, allowed thirty pounds, . . . 317
- West, Edward, . . . 206, 228, 355, 443, 532
 lieutenant at Sherborne, . . . 377
 John, . . . 147
 deputy, . . . 133
 Thomas, deputy, . . . 514
- Westfield, . . . 2, 6, 12, 56, 189, 421, 455
 committee's return respecting the accounts
 of, approved, . . . 238
 order relating to confirming the titles to
 certain lands in, . . . 238, 239
 brandmark for, . . . 324
- Westland, Richard, . . . 232
- Westminster, . . . 422, 424, 526
- Wymesit, . . . 87, 165
- Weymouth, 2, 42, 43, 55, 56, 77, 98, 132, 206, 210,
 260, 266, 268, 294, 301, 302, 309, 408, 420,
 437, 476, 511, 514.
 taxes abated, on account of losses by the
 Indians, . . . 124
 order for the relief of the constables of, . . . 173
 order for enlisting troops in, . . . 232
 &c., troop to be organized in, . . . 254
 number of jury-men from, . . . 498
- Whalley and Goffe, Court's reply to the charge
 of abetting, . . . 200
- Wharton, Richard, . . . 36, 98, 102, 105, 235, 432
 answer of the General Court to the peti-
 tion of, relating to Governor Belling-
 ham's will, . . . 6
 sentence of the Court against, . . . 13
 order of the General Court on the petition
 of, relating to Governor Bellingham's
 will, . . . 24
 hearing on his petition respecting Gov-
 ernor Bellingham's will postponed, . . . 56
 sentence of the Court upon, removed, . . . 153
 sentence against, reversed, and one thou-
 sand acres granted to, . . . 397
 committee to lay out the land granted to, . . . 426
 Mr., . . . 392
- Wheat, flour, &c., law against importation of,
 suspended, . . . 65
- Wheeler, Joseph, . . . 217
 Thomas, . . . 142
 wages paid in part, . . . 54
 Thomas, Sen., and son, allowance of
 wages for military service, &c., . . . 127
 Timothy, . . . 54
 widow, allowance to, for disbursements, . . . 172
- Wheelwright, Samuel, . . . 88, 103, 135, 156
 deputy, . . . 133
 associate for Yorkshire, . . . 87, 145, 186, 226
 Rev. Mr., . . . 180, 181
 See Salisbury.
- Whetcombe, James, . . . 173, 325
- Whetcombe, James, and another, referred to
 Suffolk County Court, &c., . . . 432
- Whichalls, Emanuel, . . . 18
- Whipsufferage, . . . 216, 315, 353, 486
- Whiple, John, . . . 170, 204, 219, 336
 deputy, . . . 2, 210, 260, 351, 407
 captain of a troop of horse, . . . 75
 captain of Ipswich troop, . . . 409
 lieutenant of Ipswich troop, . . . 419
 Corporal John, appointed cornet of Ipswich
 troop, . . . 409
 Cornet, . . . 36
 on the committee for Beverly, . . . 147
 —, . . . 39
- White, Daniel, . . . 239
- Ebenezer, constable of Weymouth, order
 for his relief, . . . 173
- Edmund, plat of seven hundred acres laid
 out to, approved, . . . 443
- John, . . . 283
 allowed to erect a timber frame in Bos-
 ton, . . . 431
 forbidden to erect a wooden building in
 Boston, . . . 442
- Joseph, allowed two pounds, in payment
 of claim, . . . 316
- alias Gatcliffe, Mary, . . . 255
- Samuel, . . . 511
 deputy, . . . 210, 260
 lieutenant of Hingham troop, . . . 281
- William, . . . 314
 See Wight.
- Whiting, Rev. John, granted one thousand
 acres of land, . . . 455
- Samuel, Sen., granted six hundred acres
 of land, . . . 232
- William, . . . 455
- Whitman, John, granted a discharge from mil-
 itary service, . . . 306
- Zachariah, and others, allowed to ex-
 change certain lands, . . . 208
- Wicome, Wycome, Wicum, Daniel, 173, 497, 498
- Widger, James, . . . 18
- Wiggins, Andrew, . . . 6
- Wigglesworth, Rev. Michael, his election ser-
 mon requested for the press, . . . 514
- Wight, Samuel, relieved from the payment of
 his rates, . . . 188
 Thomas, abatement of his rates, . . . 206
- Wilder, Nathaniel, sentence of death remitted, 117
- Wildgoose, John, . . . 18
- Willard, Mary, (widow,) petition of, granted, . . . 235
- Simon, . . . 8, 14, 46, 70, 235, 341, 410
 chosen Assistant, . . . 1, 27
 to hold the Courts in Dover and York, . . . 31
 recompensed for his services, . . . 69

- Willard, Simon, allowance for the expenses, disbursements, &c., of, 127
 (deceased,) grant of one thousand acres of land to the children of, 310
 description of the one thousand acres granted to the children of, approved, 341
 Major [Simon], 146
 Rev. Mr., to be desired to preach before the Court, February 13, 1682-3, 383, 385
 Williams, William, Abraham, deputy, 261, 266, 303, 309
 Henry, his bill of thirty pounds to be restored, 172
 Isaac, lieutenant at Cambridge Village, . . 173
 John, 85, 150
 Nathaniel, 91
 granted one hundred acres of land, . . 254
 Williamson, Mr. Secretary, 106
 Sir Joseph, letter from Governor Leverett to, respecting the Dutch ambassador, . 118
 secretary of state in England, letter to, from the General Court, 161
 Willis, Edward, 442
 petition referred to the next session, . . 410
 vs. Ann Haugh, executrix, Court's judgment in the case, 416
 Wills, see Probate.
 Wills Hill, 190
 Wilmot, John, 432
 Wilson, Joseph, appointed ensign at Malden, . 483
 Sarah, empowered to make a deed of sale, 207
 Wilton, David, associate for Hampshire, 31, 87, 145
 his heirs allowed to take up one hundred acres of land, 483
 Lieutenant, 156
 Wincol, Wincol, John, Captain, report from, on Foxwell and Cumins's land claim, . . 11
 associate for Yorkshire, . 31, 87, 145, 186, 226
 deputy, 42, 133, 184
 Captain, 37
 Windsor, 12
 Wines and liquors, shipmasters to give in to the naval officer a true invoice of, &c., 478
 Wing, John, Ensign, 33
 See Moncke, George.
 Lieutenant, 415
 See Waldron, Priscilla.
 Captain [John], 510
 Captain, 460
 Winship, Edward, 313, 331, 480, 492
 deputy, . . . 308, 351, 407, 420, 437, 475, 514
 Winipasekek Lake, 110
 Winslad, John, 405
 Winsley, Elizabeth, (executrix,) empowered to sell land, 314
 John, 314
 Winsley, Mrs., and others, case of, referred to next Court, 209
 Winslow, Josiah, confirmed as commander-in-chief of the United Colonies' forces against the Indians, 69
 Nathaniel, judgment of the General Court in favor of, 26
 General, 477
 Winter, John, 404
 Winter Harbor, 125
 Winthrop, Adam, granted his petition respecting the rent of Governor's Island, . . 398
 Deane, 23
 Treasurer to pay sixty-six pounds, thirteen shillings, four pence to, 471
 John, Jun., deed of Ipswich from Masconomet to, 381
 Wayte, 381, 382
 Wise, John, chosen minister of Chebacco, . . 285
 Wisner, James, an Indian, 365, 366, 368
 Wiswall, Wisewall, Ichabod, 18, 105
 Noah, 217
 Wittanamit, Benjamin, an Indian, 216
 Woburn, 2, 6, 42, 56, 77, 99, 133, 211, 260, 266, 268, 295, 303, 309, 408, 437, 460, 475, 514
 number of jurymen from, 498
 Wolomp, Wallomp, Simon, an Indian, . . 365-367
 Wolwononck, Wolowononk, an Indian, . 365-367
 Woolfe, Susanna, freed from imprisonment, . 417
 Wolves, bounty on, not to be paid except by the town or county where caught and killed, 453
 Wood, John, Sen., 36
 Woodbridge, John, 272, 336, 420, 472
 chosen Assistant, 407, 437
 authorized to administer oaths and perform the marriage rite in Newbury, . . . 483
 John, Sen., empowered as a magistrate for Newbury, 145, 187, 226
 associate for Essex county, 205, 226
 Rev. John, exempted from rates, 379
 Woodcoke, William, 232
 Woodman, Archelaus, 483
 deputy, 2, 14, 42, 43
 John, 38
 Jonathan, fine of ten pounds remitted, . 127
 Woody, Wooddey, Henry, Sen., deputy, . . 475
 Isaac, 8, 23
 Richard, 122
 and Isaac, hearing granted on petition of, 8
 and Isaac, award of the General Court in favor of, *vs.* Martha Coggan's estate, 23
 Woodmansey, Elizabeth, 485
 John, 485
 Woods, John, 145

- Woods, Joshua, 217
 Wool, sheep's, not to be exported, 28
 Woolson, Thomas, return of land laid out to,
 not approved, 379
 granted land not to exceed three hundred
 acres, 485
 Worcester, 486, 515
 Quansigamond to be called, 460
 Worcester, Worster, Samuel, 315, 343
 deputy, 261, 303
 Worthman, William, 268
 Wrentham, petition of, granted, and Thomas
 Fuller placed on the committee in re-
 lation thereto, 148
 petition of the inhabitants granted, 432
 allowed to choose their selectmen, 510
 Wriford, Wryford, John, grand juror, 18
 licensed as innkeeper for Damerill's Cove, 20
 Wright, John, 225, 331, 455
 See Gifford, John.
 Wuttawushan, an Indian, 532
 Wymans, The, 350
 Wyng, John, appointed captain, 419
 York, Duke of, 162
 Yorke, . . . 2, 42, 78, 99, 109, 133, 171, 211, 235, 461
- York county, or Yorkshire, 5, 53, 87, 101, 124, 127,
 134, 145, 156, 157, 182, 187, 207, 226, 235,
 236, 428.
 declaration of the Court respecting grants
 of land in, 12
 Richard Walderne sergeant major of the
 forces in, 22
 associates for, appointed, 31
 force to be sent for the defence of, 53
 nine special rates to be raised in, for war
 charges, 76
 persons appointed associates for, 87
 committee to examine and decide upon
 accounts, &c., in, 88
 report of the committee to settle the ac-
 counts in, and order thereon, . . . 102, 103
 provisions and clothing ordered for the sol-
 diers in, 135
 arrears to be collected in, 139
 persons appointed associates for, 145
 associates for, appointed, 186
 persons invested with magistral power
 for, 205
 persons appointed associates for, 226
 York River, 445

INDEX OF FREEMEN.

1674—1686.

INDEX OF FREEMEN.

1674—1686.

- Abbot, George, 537.
Abby, John, Sen., 543.
Abby, Samuel, 540.
Addams, Edward, 536, 537.
Addams, Eleazar, 537.
Addams, Nathaniel, 536.
Addams, William, 539.
Alcock, Mr. Samuel, 537.
Aldridge, Thomas, 537.
Allen, Bozoun, 541.
Allin, Joseph, 541.
Allin, Nathaniel, 541.
Allin, Nehemiah, 537.
Allyn, Samuel, 542.
Amistreale, Liemach, 537.
Andrew, Nicholas, 542.
Andrews, John, 541.
Apleton, Mr. John, 541, *bis*.
Apleton, Mr. John, Jun., 543.
Ashber, Edward, 542.
Ashley, Edward, 537.
Ashly, David, 539.
Atwood, Alexander, 542.
Atwood, John, 537.
Audlin, Elisha, 536.
Austin, Matthew, 536.
Avery, William, 537.
Avesson, John, 543.
Ayres, Samuel, 542.
Baker, John, 538.
Baker, Timothy, 537.
Balch, John, 539.
Ball, Eleazar, 539.
Ball, Samuel, 540.
Ballard, Samuel, 540.
Band, William, 541.
Bankroft, Thomas, 538.
Barker, Nathaniel, 537.
Barker, Thomas, 538.
Barker, William, 538.
Barnard, John, 538.
Barnes, James, 540.
Barnes, Nathaniel, 537.
Barrat, Humphrey, 541.
Barret, Joseph, 537.
Bartholmew, Henry, 540.
Bartlet, John, 542.
Bartlet, Richard, Jun., 537.
Bartlet, Robert, 542.
Bartlet, Samuel, 541.
Basse, Samuel, 543.
Bates, John, 541.
Bayly, John, 537, 540.
Bayly, Thomas, 540, *bis*.
Beale, Jeremiah, 540.
Beamans, Thomas, 543.
Bearbenn, John, 537.
Bengilley, John, 539.
Benson, Joseph, 538.
Bill, James, 541.
Blake, James, 537.
Blany, John, 537.
Blatt, John, 538.
Bligh, Thomas, 536.
Boardman, Andrew, 536, *bis*.
Bointon, John, 541.
Booth, Simon, 539.
Boreman, Thomas, 541, *bis*.
Bosworth, Benjamin, 539.
Bosworth, Joseph, 539.
Bosworth, Nathaniel, 539.
Bouker, John, 543.
Boules, Mr. John, 539.
Boynton, Caleb, 543.
Boynton, John, 543.
Boynton, Joseph, 538.
Bracket, James, 536.
Bracket, Peter, 540.
Bradbut, Robert, 538.
Bradstreet, Dudley, 536.
Bread, Allen, 542.
Bread, Allin, 536.
Bread, Allin, Sen., 540.
Brewer, John, 539.
Bridgham, Jonathan, 536.
Bridgham, Joseph, 538.
Bridgman, John, 537.
Broclebank, Samuel, 543.
Broune, Cornelius, 542.
Broune, Jabez, 539.
Broune, Mr. John, 539.
Broune, Joseph, 541, 543.
Broune, Josiah, 542.
Broune, Nathaniel, 543.
Broune, Thomas, Jun., 541.
Bruer, Chrispus, 542.
Bullin, Joseph, 537.
Burbank, John, 540.
Burr, Simon, 542.

- Burrill, John, 544.
 Burt, David, 539.
 Burt, Henry, 542.
 Buss, John, 536.
 Butcher, Robert, 538.
 Butler, Samuel, 538.
 Butler, William, 541.
 Butterfield, Nathaniel, 541.
 Butterick, Samuel, 539.
 Buxton, Anthony, 541.
 Byam, Abraham, 541.
 Cadwell, John, 537.
 Cakebread, Is:, 538.
 Capen, Bernard, 536.
 Caree, Jonathan, 541.
 Carter, John, 537.
 Carter, Samuel, 539.
 Chadwick, John, 539.
 Champney, Daniel, 538.
 Chancey, Mr. Elnathan, 538.
 Chancy, Elnathan, 536.
 Chandler, Roger, 541.
 Chapen, Josiah, 538.
 Chapin, Japhet, 540.
 Chaplin, Joseph, 543.
 Chapman, Simon, 536.
 Chard, Thomas, 539, 540.
 Checkley, Mr. Samuel, 544.
 Cheevers, Ezekiel, 540.
 Cheevers, Mr. Thomas, 540.
 Chickring, Nathaniel, 540.
 Chubbuck, John, 538.
 Clap, Hope, 538.
 Clap, Nehemiah, 541.
 Clark, Benjamin, 541.
 Clarke, Benjamin, 541.
 Clarke, John, 538, 543.
 Clarke, Jonas, 538.
 Clarke, Peirecy, 536.
 Clarke, Uriah, 543.
 Clifford, John, 537, 538.
 Cloys, Walter, 538.
 Cobbitt, Mr. John, 542.
 Colbrun, John, 542.
 Cole, Gilbert, 538.
 Coleman, William, 539.
 Collins, Henry, 542.
 Collins, Henry, Jun., 536.
 Colton, Ephraim, 540.
 Colton, Thomas, 540.
 Cooly, Daniel, 542.
 Converse, Edward, 543.
 Cotton, John, 539.
 Cow, Thomas, 540.
 Curtis, Ephraim, 544.
 Curtis, Theophilus, 543.
 Cushin, Daniel, 539.
 Cushin, Matthew, Jun., 539.
 Dallabar, Joseph, Sen., 542.
 Dane, John, 541, *bis*.
 Darse, Benjamin, 543.
 Dauson, Henry, 538.
 Davis, John, 536.
 Davis, Samuel, 537.
 Devereux, John, 542.
 Dewy, Jedediah, 539.
 Dickinson, James, 543.
 Dixe, Ralph, 542.
 Dixie, Ralph, 543.
 Dodge, William, Jun., 542.
 Dodge, Edward, 542.
 Dodge, John, Jun., 542.
 Dodge, Joseph, 539.
 Dole, John, 539.
 Douse, John, 537.
 Douse, Samuel, 536.
 Dressar, John, 543.
 Dresser, John, 542.
 Dumer, Richard, Jun., 537.
 Dummer, Jerr, 539.
 Dyar, Joseph, 538.
 Dyer, Benjamin, 536.
 Dyer, Joseph, 540.
 Dyer, Thomas, 537.
 D × en, Mr. Daniel, 540.
 Eames, Henry, 542.
 Eaton, Daniel, 543.
 Eaton, John, 537.
 Eaton, Joshua, 543.
 Eaton, Thomas, 540.
 Ellings, Anthony, 536.
 Elliot, Andrew, Jun., 542.
 Elsly, William, 542.
 Ely, Samuel, 540.
 Emons, Benjamin, 537.
 Epps, Mr. Daniel, 536.
 Esty, Isaiah, 540.
 Eveleigh, Isaac, 543.
 Evele, Joseph, 542.
 Fairbank, Joseph, 538.
 Fairbanks, Joseph, 542.
 Fairfield, Daniel, 542.
 Farr, Joseph, 541.
 Farrington, John, 541.
 Farwell, John, 541.
 Fellows, Joseph, 541, *bis*.
 Felton, John, 540.
 Fering, John, 538.
 Ferris, Zechariah, 537.
 Field, James, 542.
 Fisher, John, 541, *bis*.
 Fisher, Josiah, 538, 542.
 Fisher, Thomas, 538.
 Fiske, David, 543.
 Fiske, John, 543.
 Fiske, Samuel, 540.
 Fitch, Benjamin, 539.
 Flagg, Gershom, 536.
 Flegg, John, 541.
 Fletcher, Francis, 537.
 Foot, Isaac, 538.
 Foster, Mr. Isaac, 539.
 Foster, Jacob, 543.
 Foster, James, 538.
 Foster, John, 541.
 Foster, William, 537.
 Foule, Isaac, 537.
 Fox, Jabez, 537.
 Frary, Eleazar, 539.
 Freeman, Jonathan, 538, 542.
 Freeman, Joseph, 539.
 French, Jacob, 536, 537.
 French, Stephen, 540.
 French, Thomas, 536.
 Frost, Ephraim, 543.
 Frost, Samuel, 538.
 Fuller, John, Jun., 540.
 Fuller, Jonathan, 540.
 Fuller, Joseph, 540.
 Fuller, Joshua, 540.
 Fuller, Robert, 539.
 Fuller, William, 538.
 Furnum, Joseph, 536.
 Gage, Josiah, 541.
 Gaines, John, 543.
 Gardiner, John, 539, 542.
 Gardiner, Samuel, 536.
 Gardiner, Mr. Samuel, Jun., 541
 Gay, Nathaniel, 536, 537.
 Gee, Joshua, 536.
 Gerrish, Benjamin, 540.
 Gibson, William, 537.
 Giddings, Joseph, 541.
 Gilbert, John, 541.
 Gill, Thomas, Jun., 538.
 Girdler, Francis, 538.
 Gittings, Thomas, 536.
 Glover, Nathaniel, 538.
 Goffe, John, 538.
 Gold, Robert, 539.
 Goldsmith, Zaccheus, 543.
 Goodhue, William, Jun., 540.
 Goodin, Christopher, 537.
 Gooding, Nathaniel, 539.
 Goodwin, John, 537.
 Gookin, Daniel, Jun., 537.
 Got, Charles, 541.
 Grafton, John, 539.

- Green, James, 541.
 Green, John, 541.
 Greenland, John, 539.
 Greenleaf, Stephen, 537.
 Grover, Edmund, 538.
 Grover, Nehemiah, 538.
 Guile, Abraham, 541.
 Guile, Samuel, 538.
 Gurney, Richard, 540.
 Hale, Thomas, 538.
 Hall, John, 542, 543.
 Hall, Richard, 537.
 Hanchet, John, 539.
 Hansitt, Peter, 542.
 Harding, John, 541, *bis*.
 Hardy, John, 537.
 Harris, John, 543.
 Harvie, Thomas, 536.
 Hascall, William, 543.
 Hascall, Joseph, 543.
 Hasseltine, Robert, 541.
 Hasseltine, Samuel, 541.
 Haukes, James, 540.
 Hauley, Mr. Joseph, 539.
 Haur, Samuel, 541.
 Hawthorn, John, 537.
 Hazeltine, Daniel, 537.
 Held, John, 539.
 Herricke, Henry, 542.
 Higginson, John, Jun., 537.
 Hill, Roger, 538.
 Hitchcock, John, 541.
 Hitchcoke, Luke, 538.
 Hix, Samuel, 538.
 Hobart, *see* Hubbard.
 Hobson, Humphrey, 542.
 Holbrooke, Samuel, 540.
 Holden, John, 543.
 Hollioake, John, 537.
 Holman, Thomas, 538.
 Holton, William, 542.
 Horrel, Humphrey, 542.
 Houlett, Samuel, 536.
 Houlett, William, 536.
 Hovey, Thomas, 540.
 How, Israel, 539.
 How, John, 543.
 Howard, Mr. Robert, 541.
 Hubbard, Enoch, 539.
 Hubbard, John, 537, 542.
 Hubbard, Nehemiah, 536.
 Hubbard, Mr. Nehemiah, 539.
 Hubbard, David, 540.
 Huksley, Thomas, 540.
 Humphry, Nathaniel, 539.
 Humphry, Samuel, 538.
 Hunt, Jonathan, 539.
 Hunt, Thomas, 543.
 Hurd, Jacob, 539.
 Hutchins, William, 541.
 Hutchinson, Francis, 543.
 Ingolls, Samuel, 540.
 Ingram, John, 542.
 Ingram, William, 536.
 Jackman, James, 542.
 Jackson, John, 536, *bis*.
 Jackson, Edward, 543.
 Jacob, Joseph, 540.
 Jacob, Nathaniel, 543.
 Jacob, Thomas, 536.
 James, Francis, 539, 542.
 Jenery, Israel, 536.
 Jennyson, Samuel, 541.
 Jewet, John, 537, *bis*.
 Jewett, Joseph, 543.
 Jewett, Nathaniel, 540.
 Jincks, Richard, 541.
 Johnson, Ebenezer, 542.
 Johnson, Edward, 542.
 Johnson, Jonathan, Sen., 543.
 Johnson, Zechariah, 537.
 Jones, Abraham, 539.
 Jones, Samuel, 537.
 Judd, Samuel, 542.
 Kellum, Daniel, Jun., 540.
 Kemball, Richard, 543.
 Kemball, Samuel, 541.
 Kendall, John, 539.
 Kent, Samuel, 540.
 Kimball, Benjamin, 541.
 King, Ralph, 539.
 King, Samuel, 540.
 Kingman, Thomas, 540.
 Kingsbery, Joseph, 541.
 Kingsbery, Nathaniel, 537.
 Kinsly, Enos, 540.
 Kirry, Henry, 537.
 Knight, John, 537.
 Knight, Joseph, 537, 542.
 Knolton, John, 540.
 Knolton, Nathaniel, 542.
 Knolton, Samuel, 540.
 Lampson, Samuel, 537.
 Lancton, Samuel, 540.
 Lane, Andrew, 537.
 Lawson, Mr. Deodat, 540.
 Layton, Thomas, 539.
 Lazell, John, 538.
 Leech, John, 540.
 Leeds, Benjamin, 539.
 Legg, John, 539.
 Louise, John, 542.
 Levett, Josiah, 539.
 Lewis, Mr. James, 543.
 Lincoln, Stephen, 539.
 Lincoln, Benjamin, 538.
 Lumpson, John, 536.
 Lunt, Daniel, 541.
 Luxford, Reuben, 536, *bis*.
 Lymon, Robert, 542.
 Lynds, John, 539.
 Lynds, Joseph, 538.
 Lyndall, Timothy, 538.
 Lyon, Joseph, 539.
 Man, Samuel, 539.
 Mansfield, John, 542.
 March, George, 542.
 Marcham, Nathaniel, 541.
 Markeham, Daniel, 536, *bis*.
 Marrior, John, 539.
 Marsh, Thomas, 538.
 Marsh, Zaccheus, 539.
 Marshall, John, 541.
 Marston, Manasses, 537.
 Mascoll, John, 538.
 Masterson, Nathaniel, 536.
 Mather, Cotton, 539.
 Maudsley, John, 538.
 Maynard, John, Sen., 543.
 Meads, David, 541.
 Medcalfe, Jonathan, 542.
 Meriam, John, 537.
 Merrill, Daniel, 541, 542.
 Meritt, John, 542.
 Merrow, Henry, 537.
 Metcalf, Thomas, 536.
 Metcalfe, Jonathan, 542.
 Mighill, Thomas, 536.
 Miles, Benjamin, 538.
 Millar, James, 537.
 Millar, Joseph, 543.
 Mirock, John, 543.
 Mirriam, John, 536.
 Moody, William, 541.
 Morrell, Isaac, 541.
 Morse, Benjamin, 536.
 Morse, Jonathan, 537.
 Morse, Obadiah, 536, 537.
 Mory, Thomas, 543.
 Mountegue, Richard, 539.
 Nash, Jacob, 544.
 Nash, Timothy, 538.
 Neuton, Joseph, 543.
 Newhall, John, 542.
 Nicholl, Ephraim, 542.
 Nichols, Thomas, 542.
 Nile, Jonathan, 539.
 Noble, Thomas, 540.

- Nogget, Samuel, 543.
 Norman, Richard, 539.
 Norman, Thomas, 540.
 Norton, George, 540.
 Nowel, Mr. Samuel, 537.
 Noyes, John, 537.
 Noys, Timothy, 542.
 Olliver, Mr. John, 540.
 Olliver, John, 541.
 Olliver, Thomas, 536.
 Osgood, Christopher, 537.
 Osgood, Thomas, 537.
 Paine, Mr. Robert, Jun., 543.
 Palmer, Samuel, 542, 543.
 Parke, Thomas, Sen., 540.
 Parker, Abraham, 541.
 Parker, Hananiah, 539.
 Parker, John, 538.
 Parmiter, Benjamin, 538.
 Parmiter, Joseph, 538.
 Parris, Mr. Samuel, 541.
 Parsons, James, 541.
 Parsons, Jonathan, 542.
 Pason, Mr. Edward, 539, 540.
 Pason, Ephraim, 543.
 Pason, John, 539.
 Patch, John, 538.
 Patch, Richard, 538.
 Patten, Nathaniel, 538.
 Patten, Thomas, 538.
 Payne, Stephen, Jun., 538.
 Peach, John, Jun., 542.
 Pearly, Thomas, 537.
 Pebody, John, 536.
 Pebody, William, 543.
 Peirce, Joseph, 543.
 Peirce, Samuel, 542.
 Peirce, Thomas, 538.
 Peirse, Matthew, 543.
 Peirson, John, Jun., 540.
 Peirson, Samuel, 540.
 Peirpoint, Robert, 537.
 Peniman, Joseph, 538.
 Penniman, Samuel, 538.
 Perkins, Abraham, 543.
 Perkins, Thomas, Jun., 543.
 Perkins, Tobiah, 543.
 Perry, Obadiah, 538.
 Person, Joseph, 537.
 Phelph, Nathaniel, 540.
 Phillips, John, 537.
 Phillips, Richard, 538.
 Phippen, Joseph, 540.
 Pickard, John, Jun., 542.
 Pike, John, 537.
 Pinor, John, 541.
 Pitcher, Samuel, 541.
 Pitman, Thomas, Sen., 542.
 Pitty, Joseph, 539, 540.
 Platt, Samuel, 543.
 Pomrey, Joshua, 539.
 Pomry, Joseph, 539.
 Porter, Abel, 536.
 Porter, Israel, Jun., 543.
 Porter, Samuel, 543.
 Pratt, Timothy, 541.
 Pratt, William, 539.
 Prentice, Henry, 543.
 Prentice, Thomas, Sen., 540.
 Prentice, Thomas, Jun., 540.
 Prescott, John, 539.
 Prescott, Jonas, 539.
 Prescott, Peter, 541.
 Price, Mr. John, 537.
 Prince, Samuel, 538, 539.
 Pritchett, John, 544.
 Pumbrey, Caleb, 536.
 Putman, Thomas, Jun., 539.
 Raiment, William, Jun., 542.
 Rawson, Mr. Grindall, 542.
 Ray, Thomas, 542.
 Rayment, John, 542.
 Read, Edward, 538.
 Read, George, 542.
 Read, William, 540.
 Reade, Thomas, Jun., 539.
 Reads, Joseph, 540.
 Reads, Josiah, 540.
 Reddington, Daniel, 543.
 Richards, John, 538, 540.
 Richards, Joseph, 540.
 Richards, William, Jun., 540.
 Richardson, John, 536, 538.
 Riff, Richard, 538.
 Roads, Joseph, 537, 542.
 Roads, Josiah, 542.
 Robbins, Samuel, 539.
 Robinson, William, 543.
 Rockwood, Samuel, 541, *bis*.
 Rodes, Theophilus, 541.
 Rogers, John, 537.
 Root, Jacob, 542.
 Roote, Joseph, 542.
 Roote, Samuel, 539.
 Ruck, Samuel, 541.
 Rugles, John, Sen., 536.
 Russell, Mr. Daniel, 537.
 Russell, John, 538.
 Russell, Thomas, 537.
 Russells, John, 540.
 Rust, Nathaniel, 536.
 Ryall, William, 538.
 Safford, Joseph, 541.
 Saile, Obadiah, 540.
 Sampson, Richard, 536.
 Sawyer, John, 540.
 Savil, John, 543.
 Savil, Samuel, 543.
 Sayer, Samuel, 536.
 Scott, Peter, 543.
 Seailles, James, 543.
 Seavie, William, 536.
 Seawall, John, 536.
 Seawall, Mr. Samuel, 538.
 Selsbe, Jonathan, 542.
 Sessions, Alexander, 538.
 Seuden, Samuel, 542.
 Sharpe, Richard, 536.
 Shaw, John, Jun., 540.
 Shelden, John, 540, 542.
 Shepard, Mr. Jeremiah, 539.
 Shephard, Mr. Thomas, 539.
 Short, Henry, 537.
 Sike, Vickry, 538.
 Smead, William, 539.
 Smeadley, John, 538.
 Smith, James, 540.
 Smith, John, Jun., 539.
 Smith, Nathaniel, 540.
 Smith, Pelatiah, 539.
 Smith, Samuel, 537.
 Smith, Thomas, 536.
 Smith, William, 542.
 Snow, John, 536.
 Souther, Joseph, 542.
 Spencer, Thomas, 540.
 Spoffard, Samuel, 543.
 Squire, John, 544.
 Stacy, William, 539.
 Starlings, William, 540.
 Stebbing, Joseph, 540.
 Stebbins, Benoni, 542.
 Sticknee, Thomas, 543.
 Stickney, Samuel, 541.
 Stoddar, Samuel, 537.
 Stone, Samuel, 541.
 Strong, Ebenezer, 542.
 Sumer, William, 538.
 Sumner, Increase, 538.
 Swan, Richard, 543.
 Syke, Increase, 542.
 Taylor, Mr. Edward, 538, 539.
 Taylor, John, 542.
 Taylor, Sebred, 537.
 Thatcher, Mr. Peter, 538.
 Thaxter, Samuel, 538.
 Thing, John, 539.
 Thirston, Daniel, 538.

Thompson, James, 536.
 Thorndick, Paul, 539.
 Thwing, Benjamin, 539.
 Thwing, Edward, 536.
 Tilton, Abraham, 540.
 Toleman, John, 538.
 Toleman, Thomas, 538.
 Toppan, Jacob, 537.
 Torrey, Josiah, 542.
 Townner, Jacob, 544.
 Townsend, John, 538.
 Townsend, Samuel, 541.
 Townsend, Thomas, 541.
 Tredwell, Nathaniel, 541, *bis*.
 Tredwell, Thomas, 541, *bis*.
 Trescot, John, 541.
 Trew, Henry, 537.
 Truesdale, Samuel, 543.
 Trumble, Joseph, 540.
 Tucker, Ephraim, 538.
 Tucker, John, 537, *bis*.
 Tucker, Manasses, 538.
 Tufts, Peter, 539.
 Tyng, Jonathan, 539.
 Upham, Phineas, 543.
 Valentine, John, 536.
 Vales, James, 542.
 Vickree, Jonathan, 538.
 Vickrey, Isaac, 539.
 Vyol, John, 541.
 Wade, Nathaniel, 543.
 Wade, Mr. Thomas, 541.
 Wakefeild, Obadiah, 541.
 Walers, Christopher, 541.

Wales, John, 537.
 Wales, John, Sen., 538.
 Walker, Edward, 543.
 Walker, Israel, 536.
 Walker, John, 537.
 Walker, Joseph, 538.
 Walker, Samuel, 536.
 Wallis, Nicholas, 536.
 Walton, Nathan, 539.
 Ward, John, 543.
 Ward, Samuel, 536.
 Wardner, John, 541.
 Warfeild, John, 541, *bis*.
 Warner, Daniel, 541, *bis*.
 Warner, Mark, 542.
 Warner, Nathaniel, 536, 542.
 Warner, Samuel, 536.
 Waters, Samuel, 542.
 Wating, James, 542.
 Way, William, 538.
 Weare, John, 537.
 Weare, Robert, 538, 540.
 Webb, Joseph, 536.
 Welby, Nathaniel, 539.
 Weld, Thomas, 536.
 Weller, Eleazar, 540.
 Wells, John, 538.
 Wentworth, Samuel, 537.
 Wheeler, Timothy, 536, 537.
 White, Ebenezer, 536.
 White, John, 537.
 White, Resolved, 539.
 White, Thomas, 540.

Whiting, Joseph, 536.
 Whitman, Abiah, 540.
 Whitman, Abraham, 539.
 Whitman, John, 540.
 Whitmarsh, Nicholas, 540.
 Whitney, John, 542.
 Wight, Joseph, 538.
 Wigglesworth, Mr., 539.
 Willard, Simon, 539.
 William, Isaac, 543.
 William, Nathaniel, 537.
 Williams, Ebenezer, 541.
 Willis, Mr. Edward, 542.
 Willis, Nicholas, 540.
 Wilson, Joseph, 543.
 Wilson, Samuel, 543.
 Windsor, Joshua, 538.
 Wing, Joseph, 539, *bis*.
 Winship, Ephraim, 539, 540.
 Winthrop, Mr. Adam, 541.
 Wiswall, Ebenezer, 536, 539.
 Wiswall, Noah, 543.
 Withington, Henry, 538.
 Witman, Zachariah, 539.
 Woodbery, Humphrey, 538.
 Woodbery, Isaac, 538.
 Woodbury, Thomas, 542.
 Woodward, Amos, 538.
 Woodward, John, 539.
 Wright, James, 542.
 Wright, Joseph, 536.
 Wright, Judah, 537.
 Younglove, Mr. John, 537.





